

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 3 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EUGENE FORTE,

Plaintiff-Appellant,

v.

MERCED COUNTY; et al.,

Defendants-Appellees.

No. 16-17236

D.C. No. 1:15-cv-00147-DAD-  
BAM

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Dale A. Drozd, District Judge, Presiding

Submitted September 26, 2017\*\*

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Eugene Forte appeals pro se from the district court's judgment dismissing his 42 U.S.C. §§ 1983, 1985, and 1986 action alleging various federal and state law claims stemming from his arrest and prosecution. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Forte has failed to address in his opening brief the claims alleged in his complaint or the grounds for dismissal, and has therefore waived his challenge to the district court's order. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (court does not consider matters not specifically and distinctly raised and argued in the opening brief); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant's opening brief are waived).

We reject as unsupported by the record Forte's contentions that the district court participated in fraud and was biased against him.

Forte's motions for judicial notice (Docket Entry Nos. 9 and 11) are denied.

**AFFIRMED.**