

NOT FOR PUBLICATION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

LISA ANN COLMERY-PINKERTON,

No. 16-56099

Plaintiff-Appellant,

D.C. No. 5:13-cv-01928-JFW-PLA

v.

MEMORANDUM*

JOSHUA CARRASCO, Deputy, individual
and official capacity,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted September 26, 2017**

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

Lisa Ann Colmery-Pinkerton appeals pro se from the district court's judgment following a jury trial in her 42 U.S.C. § 1983 action alleging unlawful detention, unlawful search of her person and vehicle, and excessive force in violation of the Fourth Amendment. We have jurisdiction under 28 U.S.C. § 1291

* 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).

and we affirm.

We are unable to consider Colmery-Pinkerton's challenge to the jury verdict based upon alleged false testimony because Colmery-Pinkerton failed to provide any portion of the trial transcript. *See* Fed. R. App. P. 10(b)(2); *Syncom Capital Corp. v. Wade*, 924 F.2d 167, 168 (9th Cir. 1991) (dismissing appeal filed by pro se appellant for failure to comply with Fed. R. App. P. 10(b)(2)).

We do not consider matters not properly raised before the district court, or matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We do not consider documents not presented to the district court because they are not part of the record on appeal. *United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

AFFIRMED.