

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2017

FOR THE NINTH CIRCUIT

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

PETER SZANTO,

Plaintiff-Appellant,

v.

MARINA MARKET PLACE 2, LLC; et al.,

Defendants-Appellees.

No. 15-15181

D.C. No. 3:11-cv-00394-RCJ-VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Peter Szanto appeals pro se from the district court's judgment dismissing his diversity action alleging state law claims related to a family trust. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion a district court's order dismissing an action under its inherent authority. *Chambers v.*

* 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).

NASCO, Inc., 501 U.S. 32, 55 (1991). We affirm.

The district court did not abuse its discretion by dismissing Szanto's action after finding that Szanto failed to effect timely service on defendants and that he misrepresented facts to the court on two separate occasions indicating otherwise. *See id.* at 44.

We reject as unsupported by the record Szanto's contentions concerning bias of the district judge.

We do not consider arguments raised for the first time on appeal 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).

All pending motions are denied.

AFFIRMED.