

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

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

AL McZEAL; VIEN-PHUONG THI HO,

No. 12-56750

Plaintiffs-Appellants,

D.C. No. 2:12-cv-05301-GAF-DTB

v.

MEMORANDUM\*

GB INLAND PROPERTIES II, LLC; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Central District of California  
Gary A. Feess, District Judge, Presiding

Submitted December 18, 2017\*\*

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Al McZeal and Vien-Phuong Thi Ho appeal pro se from the district court's order denying their motion for reconsideration of the district court's dismissal of their action alleging federal and state law claims in connection with unlawful detainer proceedings in state court. We have jurisdiction under 28 U.S.C. § 1291.

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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).

We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion by denying appellants' motion for reconsideration because appellants failed to establish any basis for such relief. *See id.* at 1262-63 (setting forth grounds for reconsideration under Fed. R. Civ. P. 60(b)).

The district court did not abuse its discretion by denying appellants' motion to strike defendants' motions to dismiss because appellants failed to show how they were prejudiced by defendants' technical non-compliance with the local rules. *See El Pollo Loco, Inc. v. Hashim*, 316 F.3d 1032, 1038, 1041 (9th Cir. 2003) (setting forth standard of review).

The district court did not abuse its discretion by taking judicial notice of publicly recorded documents. *See Fed. R. Evid. 201(b)(2); United States v. Woods*, 335 F.3d 993, 1000-01 (9th Cir. 2003) (setting forth standard of review).

The district court did not abuse its discretion by dismissing the action without leave to amend because further amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

We do not consider 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).

**AFFIRMED.**