

NOT FOR PUBLICATION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

YI TAI SHAO, AKA Linda Yi Tai Shao, as  
a proxy for classes to be certified under  
Counts X, XI, XXIV, the class to be  
certified under Count XI, the class to be  
certified under Count XXIV, the class to be  
certified under Count XXVI,

No. 15-16817

D.C. No. 3:14-cv-01912-WBS

MEMORANDUM\*

Plaintiff-Appellant,

v.

TSAN-KUEN WANG; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Northern District of California  
William B. Shubb, District Judge, Presiding

Submitted December 18, 2017\*\*

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

Yi Tai Shao, AKA Linda Yi Tai Shao, appeals pro se from the district  
court's judgment dismissing her action alleging various federal and state law

---

\* 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).

claims stemming from state-court custody proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), for lack of subject matter jurisdiction under Rule 12(b)(1), and for judgment on the pleadings under Rule 12(c). *Arrington v. Wong*, 237 F.3d 1066, 1069 (9th Cir. 2001). We affirm.

The district court properly dismissed Shao's claims against defendants who are judges as barred by judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 10-12 (1991) (per curiam) (the only exceptions to judicial immunity are if the actions were not taken in the judge's judicial capacity or if there is a complete absence of jurisdiction); *Ashelman v. Pope*, 793 F.2d 1072, 1075-76 (9th Cir. 1986) (en banc) (judges are immune from suit for acts performed in their official capacity); *see also* 42 U.S.C. § 1983 (barring injunctive relief against a judicial officer "unless a declaratory decree was violated or declaratory relief was unavailable").

The district court properly dismissed Shao's federal claims against the Attorney General of California on the basis of Eleventh Amendment immunity. *See Seven Up Pete Venture v. Schweitzer*, 523 F.3d 948, 952-53 (9th Cir. 2008) (describing Eleventh Amendment immunity and the *Ex Parte Young* exception); *Snoeck v. Brussa*, 153 F.3d 984, 986-987 (9th Cir. 1998) ("[A] generalized duty to

enforce state law or general supervisory power over the persons responsible for enforcing the challenged provision will not subject an official to suit.” (internal citation and quotation marks omitted)).

The district court did not abuse its discretion in dismissing Shao’s complaint without leave to amend because amendment would be futile. *See Serra v. Lappin*, 600 F.3d 1191, 1195, 1200 (9th Cir. 2010) (setting forth standard of review).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983 n.2 (9th Cir. 2009); *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 do not consider documents and facts that were not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

All pending motions and requests are denied.

**AFFIRMED.**