

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2018

FOR THE NINTH CIRCUIT

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

MICHAEL OWEN DeVAUGHN,

No. 15-56723

Plaintiff-Appellant,

D.C. No. 5:10-cv-00892-TJH-GJS

v.

MEMORANDUM*

DARREN MANNION; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, District Judge, Presiding

Submitted February 13, 2018**

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

California state prisoner Michael Owen DeVaughn appeals pro se from the district court's order in his 42 U.S.C. § 1983 action revoking his application to proceed in forma pauperis as a sanction under Federal Rule of Civil Procedure 11.

We have jurisdiction under 28 U.S.C. §1291. We review for an abuse of

* 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).

discretion. *Islamic Shura Council of S. Cal. v. FBI*, 757 F.3d 870, 872 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion by revoking DeVaughn's motion to proceed in forma pauperis as a sanction under Rule 11 because DeVaughn's complaint misrepresented his prior federal litigation history. *See Warren v. Guelker*, 29 F.3d 1386, 1389-90 (9th Cir. 1994) (a pro se prisoner's misrepresentation about previous lawsuits may justify sanctions under Rule 11).

We do not consider issues or arguments 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.