NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT L. HAYNES, Plaintiff - Appellant, v. R.W. SELBY CO. INC.; et al., Defendants - Appellees.	No. 10-55533 D.C. No. 2:07-cv-08129-SVW-CT MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Robert L. Haynes appeals pro se from the district court's summary judgment in his action alleging violations of the Fair Housing Act, 42 U.S.C. §§ 3601-3619. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Gamble v. City of Escondido*, 104 F.3d 300, 304 (9th Cir. 1997), and we affirm.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court properly granted summary judgment on Haynes's disparate treatment claim because Haynes failed to raise a genuine dispute of material fact as to whether defendants' proffered legitimate, nondiscriminatory reasons for increasing his rent and evicting him were pretextual. *See id.* at 305.

The district court did not abuse its discretion by denying Haynes's request for further opportunity to conduct discovery. *See Qualls By and Through Qualls v. Blue Cross of Cal., Inc.*, 22 F.3d 839, 844 (9th Cir. 1994) ("We will only find that the district court abused its discretion if the movant diligently pursued its *previous* discovery opportunities, and if the movant can show how allowing *additional* discovery would have precluded summary judgment.").

The district court did not abuse its discretion by denying Haynes's motion for default judgment after Haynes failed to follow the proper two-step process required under Fed. R. Civ. P. 55. *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (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, 985 n.2 (9th Cir. 2009) (per curiam).

Haynes's remaining contentions are unpersuasive.

AFFIRMED.