FILED

UNITED STATES COURT OF APPEALS

NOV 1 2017

FOR THE NINTH CIRCUIT

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

ANGEL ORTIZ DIAMOND,	No. 16-56036
Plaintiff-Appellant,	D.C. No. 2:15-cv-07064-JAK-AJW
v.	
CITY OF LOS ANGELES; et al.,	MEMORANDUM*
Defendants-Appellees.	

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

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Angel Ortiz Diamond appeals pro se from the district court's judgment

dismissing his 42 U.S.C. § 1983 action alleging constitutional violations. We have

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

dismissal of an action as duplicative. *Adams v. Cal. Dep't of Health Servs.*, 487

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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).

F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*,

553 U.S. 880, 904 (2008). We affirm.

The district court did not abuse its discretion by dismissing Diamond's

action against the City of Los Angeles because the instant action is duplicative of

Diamond's earlier action against the City of Los Angeles in the same district court.

See id. at 688-89 (explaining that an action is duplicative if "the causes of action

and relief sought, as well as the parties . . . to the action are the same" and setting

forth criteria for the "transaction test" to determine whether the causes of action are

the same (citations omitted)).

We do not consider matters not specifically and distinctly raised and argued

in the opening brief, or arguments and allegations raised for the first time on

appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Diamond's request to consolidate appeals, set forth in his opening brief, is

denied.

All pending motions are denied.

AFFIRMED.