

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 16 2018

FOR THE NINTH CIRCUIT

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

MICHAEL B. WILLIAMS,

No. 18-15437

Plaintiff-Appellant,

D.C. No. 1:17-cv-00732-LJO-SAB

v.

MEMORANDUM*

SANJEEV BATRA, Doctor at Coalinga
State Hospital; KEN UNDERWOOD,
Medical Psych Tech,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, Chief Judge, Presiding

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Michael B. Williams, a civil detainee under California's Sexually Violent Predator Act, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under

* 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).

28 U.S.C. § 1291. We review de novo a district court's dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii). *Huftile v. Miccio–Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005). We affirm.

The district court properly dismissed Williams's action because Williams failed to allege facts sufficient to state any plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are liberally construed, a plaintiff must allege facts sufficient to state a plausible claim); *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005) (elements of a retaliation claim under § 1983); *Mitchell v. Dupnik*, 75 F.3d 517, 523-24 (9th Cir. 1996) (elements for a procedural due process claim in the pre-trial detainee context).

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).

Williams's request that his pending appeals, Case Nos. 18-15437 and 18-15621, be assigned to the same merits panel (Docket Entry No. 4) is granted.

AFFIRMED.