

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2018

FOR THE NINTH CIRCUIT

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

CRAIG ROSS; NATALIE OPERSTEIN,

No. 17-56564

Plaintiffs-Appellants,

D.C. No. 2:16-cv-03778-ODW-JC

v.

MEMORANDUM*

THE BOARD OF TRUSTEES OF
CALIFORNIA STATE UNIVERSITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Craig Ross and Natalie Operstein appeal pro se from the district court's
order denying their motion to reopen. We have jurisdiction under 28 U.S.C.

§ 1291. We review for an abuse of discretion. *Adams v. Cal. Dep't of Health
Srvs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v.*

* 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).

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

The district court did not abuse its discretion in denying appellants' motion to reopen because the instant action is duplicative of an earlier-filed action, *Ross, et al. v. White, et. al.*, No. 2:17-cv-04149-ODW-JC. *See Adams*, 487 F.3d at 689 (in determining whether a later-filed action is duplicative, this court examines “whether the causes of action and relief sought, as well as the parties or privies to the action, are the same”).

The district court did not abuse its discretion in denying appellants' motion for reconsideration because appellants failed to establish any basis for such relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration under Fed. R. Civ. P. 59(e) and 60(b)); *see also* C.D. Cal. R. 7-18 (grounds for reconsideration under local rules); *Hinton v. Pac. Enters.*, 5 F.3d 391, 395 (9th Cir. 1993) (standard of review for compliance with local rules).

The district court did not abuse its discretion in denying appellants' motions to disqualify Judge Wright and Judge Ogluin. *See United States v. Johnson*, 610 F.3d 1138, 1147-48 (9th Cir. 2010) (standard of review and standard for recusal).

The district court did not err in denying appellants' request to issue a

summons. *See* Fed. R. Civ. P. 4(b) (requiring that a complaint be filed before a plaintiff may request a summons).

Appellants' requests to disqualify Judge Wright, set forth in their reply briefs, are denied.

Appellants' motion for judicial notice (Docket Entry No. 17) is granted.

AFFIRMED.