

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 18 2019

FOR THE NINTH CIRCUIT

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

BRIAN K. CARTER,

No. 18-17318

Plaintiff-Appellant,

D.C. No. 4:17-cv-07086-KAW

v.

MEMORANDUM*

OATH HOLDINGS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
Kandis A. Westmore, Magistrate Judge, Presiding**

Submitted December 11, 2019***

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

Brian K. Carter appeals pro se from the district court's judgment dismissing his action alleging trademark infringement claims. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

The district court did not abuse its discretion by striking Carter’s filing challenging defendant’s correction in its notice of removal of the proper named defendant, or by denying Carter’s motions for “award of compensation.” *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (setting forth standard of review and explaining that a district court has inherent power to control its docket, including power to strike items from the docket).

In his opening brief, Carter fails to raise, and therefore has waived, any challenge to the district court’s dismissal of his action. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant’s opening brief.”); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant’s opening brief are waived).

AFFIRMED.