

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 6 2020

FOR THE NINTH CIRCUIT

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

ANNE PRAFADA, individually on her own
behalf and as Guardians Ad Litem of M; on
behalf of D.M.,

Plaintiff-Appellant,

v.

MESA UNIFIED SCHOOL DISTRICT,

Defendant-Appellee,

and

STATE OF ARIZONA,

Defendant.

No. 18-17139

D.C. No. 2:18-cv-00718-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

David G. Campbell, District Judge, Presiding

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

* 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).

Anne Prafada appeals pro se from the district court’s judgment dismissing her action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with Federal Rule of Civil Procedure 8. *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by dismissing Prafada’s action because the second amended complaint failed to comply with Rule 8. *See* Fed. R. Civ. P. 8(a); *McHenry*, 84 F.3d at 1177 (affirming dismissal of complaint that was “argumentative, prolix, replete with redundancy, and largely irrelevant”); *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981) (dismissal under Rule 8 was proper where the complaint was “verbose, confusing and conclusory”).

The district court did not abuse its discretion in denying Prafada’s motion for a preliminary injunction because Prafada did not demonstrate that she was likely to succeed on the merits of her claims. *See Short v. Brown*, 893 F.3d 671, 675-76 (9th Cir. 2018) (stating standard of review and discussing requirements for granting a preliminary injunction).

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).

Prafada’s motion to resubmit her excerpts of record (Docket Entry No. 33) is

granted. The Court has considered the excerpts Prafada submitted in conjunction with that motion. All other pending motions and requests are denied.

AFFIRMED.