

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 9 2020

FOR THE NINTH CIRCUIT

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

JEFFREY FRIEND,

Plaintiff-Appellant,

v.

JOHN HEGARTY, National Postal
Mailhandlers Union; et al.,

Defendants-Appellees.

No. 18-17439

D.C. No. 3:15-cv-04506-VC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vince Chhabria, District Judge, Presiding

Submitted April 7, 2020**

Before: TASHIMA, BYBEE, and WATFORD, Circuit Judges.

Jeffrey Friend appeals pro se from the district court's judgment dismissing his action alleging that National Postal Mailhandlers Union Local 302 breached the duty of fair representation and its alleged contract with Friend in connection with the arbitration hearing regarding Friend's termination by the United States Postal

* 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).

Service. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with court orders. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing Friend's action because Friend failed to oppose Local 302's motion to dismiss despite the district court's repeated warnings to do so. *See id.* at 1260–61 (setting forth the five factors to be weighed when considering dismissal for failure to comply with a court order and stating that the district court is not required to make explicit findings; rather, this court may review the record independently).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992) (concluding pro se appellant abandoned issues not argued in his opening brief).

Friend's emergency motion asking the court to consider supplemental material related to the merits of his case (Docket Entry No. 21) is denied.

AFFIRMED.