

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 5 2020

FOR THE NINTH CIRCUIT

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

ADONAI EL-SHADDAI,

Plaintiff-Appellant,

v.

L. D. ZAMORA, Chief CCHCS in
individual and official capacity; et al.,

Defendants-Appellees.

No. 19-55639

D.C. No. 2:13-cv-02327-RGK-JC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

California state prisoner Adonai El-Shaddai appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal for failure to

* 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).

state a claim under 28 U.S.C. § 1915A); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed El-Shaddai's action because El-Shaddai failed to allege facts sufficient to state a plausible federal 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); *see also Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam) (elements of an equal protection "class of one" claim); *Jones v. Williams*, 791 F.3d 1023, 1031-32 (9th Cir. 2015) ("[a] person asserting a free exercise claim must show that the government action in question substantially burdens the person's practice of [his] religion"; in the prison context, "[t]he challenged conduct is valid if it is reasonably related to legitimate penological interests" (citation and internal quotation marks omitted)); *Toguchi v. Chung*, 391 F.3d 1051, 1057-60 (9th Cir. 2004) (a prison official is deliberately indifferent only if he or she knows of and disregards an excessive risk to the prisoner's health; a difference of opinion concerning the course of treatment does not amount to deliberate indifference).

We reject as unsupported by the record El-Shaddai's contention that the district court abused its discretion by denying his application for costs related to his prior appeal.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

El-Shaddai's motion for appointment of counsel is denied.

AFFIRMED.