

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 11 2020

FOR THE NINTH CIRCUIT

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

SHYAM K. CHETAL,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF THE INTERIOR;
et al.,

Defendants-Appellees.

No. 19-15837

D.C. No. 3:18-cv-03731-EMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Submitted August 5, 2020**

Before: SCHROEDER, HAWKINS, and LEE, Circuit Judges.

Shyam K. Chetal appeals pro se from the district court’s summary judgment in his Freedom of Information Act (“FOIA”) action arising out of his requests for records from the Bureau of Land Management (“BLM”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Animal Legal Def. Fund v. U.S.*

* 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).

Food & Drug Admin., 836 F.3d 987, 990 (9th Cir. 2016) (en banc). We affirm.

The district court properly granted summary judgment for the BLM because Chetal failed to raise a genuine dispute of material fact as to whether the BLM did not “conduct[] a search reasonably calculated to uncover all relevant documents.” *Hamdan v. U.S. Dep’t of Justice*, 797 F.3d 759, 770 (9th Cir. 2015) (citation and internal quotation marks omitted); *id.* at 770-71 (requirements for demonstrating adequacy of search for documents in response to a FOIA request); *see also Hajro v. U.S. Citizenship & Immigration Servs.*, 811 F.3d 1086, 1103 (9th Cir. 2016) (after an agency produces all non-exempt documents, a FOIA claim is generally moot because the injury has been remedied).

We lack jurisdiction to consider the district court’s post-judgment order denying Chetal’s motion for sanctions because Chetal failed to file a new or amended notice of appeal from that order. *See* Fed. R. App. P. 4(a)(4)(A); *TAAG Linhas Aereas de Angola v. Transamerica Airlines, Inc.*, 915 F.2d 1351, 1354 (9th Cir. 1990).

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).

Chetal’s motion for judicial notice (Docket Entry No. 18) is denied.

Chetal’s request for sanctions and judicial notice, set forth in the reply brief,

is denied.

AFFIRMED.