

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 16 2020

FOR THE NINTH CIRCUIT

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

MILLICENT ANDRADE,

Plaintiff-Appellant,

and

ATOOI ALOHA, LLC, by Millicent
Andrade and Craig B. Stanley, Its Managing
Members; et al.,

Plaintiffs,

v.

ABNER GAURINO; et al.,

Defendants-Appellees,

CRAIG B. STANLEY,

Counter-defendant-
Appellee,

v.

THE EDMON KELLER AND
CLEAVETTE MAE STANLEY FAMILY
TRUST, Craig B. Stanley as Trustee
(Amended Crossclaim: ECF 239),

No. 19-16755

D.C. No. 1:16-cv-00347-JAO-WRP

MEMORANDUM*

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

Cross-defendant-Appellee.

Appeal from the United States District Court
for the District of Hawaii
Jill Otake, District Judge, Presiding

Submitted November 9, 2020**

Before: THOMAS, Chief Judge, TASHIMA and W. FLETCHER, Circuit Judges.

Millicent Andrade appeals pro se from the district court's judgment dismissing her securities fraud action under Federal Rule of Civil Procedure 41(a)(2). We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Andrade failed to include any argument in her opening brief regarding the district court's dismissal under Federal Rule of Civil Procedure 41(a)(2), and thus has waived any challenge to that issue. *See McKay v. Ingleson*, 558 F.3d 888, 891 n.5 (9th Cir. 2009) (arguments not raised in an appellant's opening brief are waived).

The district court did not abuse its discretion in denying Andrade's request to continue trial because a continuance on the day of trial would have seriously inconvenienced the court and defendants. *United States v. Flynt*, 756 F.2d 1352, 1358 (9th Cir. 1985) (setting forth standard and review and factors that the court

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

should consider when reviewing the denial of a request for continuance of trial).

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

We reject as meritless Andrade's contention that the district court violated her constitutional rights.

AFFIRMED.