

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2021

FOR THE NINTH CIRCUIT

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

LOUREECE STONE CLARK,

No. 20-15238

Petitioner-Appellant,

D.C. No. 2:19-cv-02014-KJM-KJN

v.

MEMORANDUM*

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; SUPERIOR COURT
OF CALIFORNIA COUNTY OF
SACRAMENTO,

Respondents-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE, and BADE, Circuit Judges.

California state prisoner Loureece Stone Clark appeals pro se from the district court's judgment dismissing his petition for a writ of mandamus under 18

* 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).

U.S.C. § 3771 alleging that defendants ignored his petition regarding recalculation of his sentence. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

In his opening brief, Clark does not address how the district court erred by dismissing his petition for lack of jurisdiction. Clark has therefore waived his challenge to the district court's order. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party's opening brief are waived); *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) ("We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .").

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.