

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 27 2021

FOR THE NINTH CIRCUIT

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

KURT A. MOROZKO,

No. 20-35622

Plaintiff-Appellant,

D.C. No. 1:19-cv-00512-BLW

v.

MEMORANDUM\*

SHOSHONE COUNTY, Idaho; CITY OF  
OSBURN, Idaho,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, District Judge, Presiding

Submitted May 18, 2021\*\*

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

Kurt A. Morozko 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 a dismissal under

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\* 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).

28 U.S.C. § 1915A for failure to state a claim. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012). We affirm.

The district court properly dismissed Morozko's federal claims because Morozko failed to allege facts sufficient to show that he suffered a constitutional violation as a result of an official policy or custom. *See Castro v. County of Los Angeles*, 833 F.3d 1060, 1073-76 (9th Cir. 2016) (en banc) (discussing requirements to establish municipal liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978)).

The district court properly dismissed Morozko's claims for violation of Idaho's criminal statutes because criminal statutes generally do not give rise to a private right of action. *See Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 190 (1994).

The district court did not abuse its discretion by enforcing the 20-page limit for pro se prisoner complaints in civil rights cases, set forth in Idaho General Order No. 342. *See Leong v. Potter*, 347 F.3d 1117, 1125 (9th Cir. 2003) (reviewing for abuse of discretion a district court's decision to enforce its procedural rules).

We reject as meritless Morozko's contention that the screening requirements of the Prison Litigation Reform Act are unconstitutional.

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on

appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Morozko's motion for an order to show cause is denied.

**AFFIRMED.**