

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 13 2021

FOR THE NINTH CIRCUIT

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

KUANG-BAO OU-YOUNG,

No. 21-15001

Plaintiff-Appellant,

D.C. No. 5:20-cv-09097-VKD

v.

MEMORANDUM*

KAMALA D. HARRIS; et al.,

Defendants-Appellees.

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

Submitted June 21, 2021**

Before: WATFORD, BENNETT, and VANDYKE, Circuit Judges.

Kuang-Bao Ou-Young appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the application of a pre-filing order. *Moy v. United States*, 906 F.2d 467, 469 (9th Cir.

* 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).

1990). We affirm.

The district court did not abuse its discretion by rejecting Ou-Young's complaint and dismissing his action, because the claims alleged were within the scope of the district court's pre-filing restrictions imposed on him as a vexatious litigant. *See West v. Procunier*, 452 F.2d 645, 646 (9th Cir. 1971) (concluding that an order refusing to authorize the filing of a complaint was a "proper exercise of the district court's authority to effectuate compliance with its earlier order").

We reject as without merit Ou-Young's contentions that the dismissal of his action was in violation of his constitutional rights or premature, or that the district court "falsified dismissal."

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).

We do not consider Ou-Young's renewed motion for summary reversal (Docket Entry No. 28). In Docket Entry No. 25, this court denied Ou-Young's renewed motions for summary reversal and ordered that no motions for reconsideration, clarification, or modification of the denial shall be filed or entertained.

AFFIRMED.