

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 29 2021

FOR THE NINTH CIRCUIT

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

DONALD ROBIN BARREN,

Plaintiff-Appellant,

v.

DWIGHT NEVEN, Warden; et al.,

Defendants-Appellees,

and

PHILIP J. KOHN; et al.,

Defendants.

No. 19-16852

D.C. No. 2:13-cv-01492-RCJ-GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted July 19, 2021**

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Nevada state prisoner Donald Robin Barren appeals pro se from the district

* 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).

court's order denying his Federal Rule of Civil Procedure 60(b) motion for relief from the court's judgment dismissing his 42 U.S.C. § 1983 action alleging various claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Washington v. Ryan*, 833 F.3d 1087, 1091 (9th Cir. 2016) (en banc). We affirm.

The district court did not abuse its discretion by denying Barren's motion for relief under Rule 60(b) because the motion was filed more than two years after the entry of judgment. *See* Fed. R. Civ. P. 60(c)(1) (requiring a motion under Rule 60(b) to be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment).

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).

Barren's motion for miscellaneous relief (Docket Entry No. 22) is denied.

AFFIRMED.