

NOT FOR PUBLICATION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

VILAYCHITH KHOUANMANY,

No. 20-16594

Plaintiff-Appellant,

D.C. No. 2:19-cv-02983-SRB-JZB

v.

MEMORANDUM*

PAUL PENZONE, Sheriff of Maricopa
County Sheriff's Office, Jail Commander,
Estrella Jail; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted July 19, 2021**

Before: SCHROEDER, SILVERMAN, and M. SMITH, Circuit Judges.

Federal prisoner Vilaychith Khouanmany appeals pro se from the district court's judgment dismissing for failure to comply with its orders her action alleging constitutional claims arising out of her incarceration in multiple jails and

* 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).

prisons. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion in dismissing Khouanmany's action without prejudice because Khouanmany failed to comply with the district court's orders to file an amended complaint that complied with the Federal Rules of Civil Procedure and the court's local rules, despite multiple warnings that failure to do could result in dismissal. *See id.* at 1260-63 (setting forth factors for determining whether a pro se action should be dismissed under Rule 41(b) and requiring "a definite and firm conviction" that the district court "committed a clear error of judgment" in order to overturn such a dismissal (citation and internal quotation marks omitted)).

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 documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

All pending motions and requests are denied.

AFFIRMED.