

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2022

FOR THE NINTH CIRCUIT

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

RONALD PAYNE,

Plaintiff-Appellant,

v.

DIANA MARSTEINER, Judge, Individual
and official capacity; et al.,

Defendants-Appellees.

No. 21-55296

D.C. No. 2:20-cv-10066-JWH-KK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John W. Holcomb, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Ronald Payne appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging equal protection and due process violations stemming from workers' compensation proceedings. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

* 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).

Contrary to Payne’s contentions, the magistrate judge did not exceed her statutory authority during her involvement with this case. *See* 28 U.S.C. § 636(b)(1)(A); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (“While the magistrate can dismiss complaints with leave to amend, the district court necessarily must review that decision before dismissing the entire action.”). The district judge properly conducted a de novo review of the magistrate judge’s findings and recommendations, and Payne’s objections thereto, and entered final judgment. *See* 28 U.S.C. § 636(b)(1)(C).

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).

AFFIRMED.