

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 18 2022

FOR THE NINTH CIRCUIT

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

BRUCE WESTIN,

No. 21-55834

Plaintiff-Appellant,

D.C. No. 2:21-cv-00782-GW-JPR

v.

MEMORANDUM*

CITY OF CALABASAS,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted July 12, 2022**

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

Bruce Westin appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action regarding defendant's regulation of household sewage systems. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for lack of standing under Federal Rule of Civil Procedure

* 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).

12(b)(1). *Meland v. Weber*, 2 F.4th 838, 843 (9th Cir. 2021). We may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Dismissal of Westin’s action was proper because Westin failed to allege facts sufficient to establish that defendant’s failure to regulate other homeowners’ sewage systems violated Westin’s constitutional rights. *See Shanks v. Dressel*, 540 F.3d 1082, 1087 (9th Cir. 2008) (“[T]he state’s failure to protect an individual from harms inflicted by persons not acting under color of law will not ordinarily give rise to § 1983 liability.” (internal quotation marks omitted)).

We do not consider matters not specifically and distinctly raised in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.