

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2023

FOR THE NINTH CIRCUIT

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

BENJAMIN WOODHOUSE, A Citizen of
the United States, Resident of the U.S. Virgin
Islands; HAVENSIGHT CAPITAL L.L.C., a
U.S. Virgin Islands corporation,

Plaintiffs-Appellants,

v.

UNITED STATES GOVERNMENT; et al.,

Defendants-Appellees.

No. 22-55598

D.C. No. 2:22-cv-00079-RGK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted May 16, 2023**

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

Benjamin Woodhouse and Havensight Capital LLC appeal from the district court's judgment dismissing their claims under pre-filing vexatious litigant orders.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* 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).

discretion. *In re Fillbach*, 223 F.3d 1089, 1090-91 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion by dismissing plaintiffs' claims against Nike, Inc., Meta Platforms, Inc., and Gibson, Dunn, & Crutcher LLP because plaintiffs' complaint was within the scope of the district court's prefiling vexatious litigant orders, and plaintiffs failed to comply with the prefiling requirements. *See Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999) ("District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation. Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain requirements" (citation omitted)).

The district court did not abuse its discretion by striking plaintiffs' amended complaints because plaintiffs did not seek and obtain leave of court to file an amended complaint. *See* Fed. R. Civ. P. 15(a)(2) (explaining that a party may amend "only with the opposing party's written consent or the court's leave" when it cannot amend as a matter of course under Rule 15(a)(1)); *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 403-04 (9th Cir. 2010) (setting forth standard of review and explaining that a district court has inherent power to control its docket, including power to strike items from the docket).

The district court did not abuse its discretion by denying plaintiffs' requests for entry of default because plaintiffs' requests were frivolous. *See Speiser*,

Krause & Madole P.C. v. Ortiz, 271 F.3d 884, 886 (9th Cir. 2001) (standard of review).

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).

Plaintiffs' motion to take judicial notice (Docket Entry No. 22) and motion for sanctions (Docket Entry No. 31) are denied.

All pending requests in the briefing are denied.

AFFIRMED.