

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2024

FOR THE NINTH CIRCUIT

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

CARINA CONERLY; JAMES CONERLY;
MARILYN TILLMAN-CONERLY; M. T., a
minor,

Plaintiffs-Appellants,

v.

SHARIF R. TARPIN, et al.,

Defendants-Appellees.

No. 23-15297

D.C. No. 2:22-cv-01525-TLN-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding
Submitted September 17, 2024**

Before: WARDLAW, BADE, and H.A. THOMAS, Circuit Judges.

Carina Conerly, James Conerly, and Marilyn Tillman-Conerly appeal pro se from the district court's judgment dismissing their action alleging federal claims.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Puri v. Khalsa*, 844 F.3d 1152, 1157 (9th Cir. 2017) (dismissal under Federal Rule of Civil

* 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).

Procedure 12(b)(6)); *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (sua sponte dismissal for failure to state a claim). We affirm.

The district court properly dismissed plaintiffs' action because plaintiffs failed to allege facts sufficient to state any plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that, to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" (citation and internal quotation marks omitted)).

We reject as meritless plaintiffs' contentions that the district court was biased against plaintiffs.

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).

Jones's request for reimbursement of costs and fees, set forth in Jones's answering brief, is denied without prejudice to filing a bill of costs or a post-judgment motion for fees.

All other pending motions and requests are denied.

AFFIRMED.