

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2025

FOR THE NINTH CIRCUIT

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

KAREEN ANDERSON,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF PRISONS;
VICTORVILLE FCCII WARDEN
PLIERS; Ms RUDA; CHAPLIN
CHASSE; FOOD SERVICE SUP. Ms
BENTLY,

Defendants - Appellees.

No. 23-1696

D.C. No. 5:20-cv-02673-JLS-JEM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted March 17, 2025**

Before: CANBY, R. NELSON, and FORREST, Circuit Judges.

Federal prisoner Kareen Anderson appeals pro se from the district court's judgment dismissing his action alleging Eighth Amendment claims under *Bivens v.*

* 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).*

Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), arising from the denial of a specialized diet in prison. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Chambers v. C. Herrera*, 78 F.4th 1100, 1103 (9th Cir. 2023). We affirm.

The district court properly dismissed Anderson’s action because a *Bivens* remedy is not available for his claims. *See Egbert v. Boule*, 596 U.S. 482, 491-93 (2022) (explaining that recognizing a cause of action under *Bivens* is “a disfavored judicial activity” and that the presence of “an alternative remedial structure” precludes recognizing a *Bivens* cause of action in a new context (citations 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).

The motion (Docket Entry No. 29) to file the reply brief is granted. The Clerk will file the reply brief at Docket Entry No. 30.

AFFIRMED.