

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 23 2025

FOR THE NINTH CIRCUIT

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

HALEY DARIA,

No. 23-16222

Plaintiff-Appellant,

D.C. No. 3:21-cv-02712-WHA

v.

MEMORANDUM*

SAPIENT CORP., as acquirer of intellectual
properties of World Wide Web Associates, a
CA LLC; ROBERT G. KLEIN, Esquire;
RANCHO SAN ROQUE, a California
corporation; RACHEL ADAMSKI, Executor
of Thomas B. Adamski Estate; DAVID LA
FITTE; MACK STATON; ROBIN
DESHAYES; WA ASSOCIATES LLC;
TANI CANTIL-SAKAUYE, Chief Justice,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted April 22, 2025**

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

* 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). Daria's request for oral
argument, set forth in her opening brief and in her motion, is denied.

Haley Daria appeals pro se from the district court’s order denying her post-judgment filing on the basis of a vexatious litigant order. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court’s application of a vexatious litigant pre-filing order. *In re Fillbach*, 223 F.3d 1089, 1090 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion by denying Daria’s motion filed on August 29, 2023, because the proposed filing was within the scope of the district court’s pre-filing order. *See West v. Proconier*, 452 F.2d 645, 646 (9th Cir. 1971) (concluding that an order refusing to authorize filing of complaint was a “proper exercise of the district court’s authority to effectuate compliance with its earlier order”).

A prior panel of this court affirmed the district court’s underlying judgment entered on August 5, 2021, and we will not reconsider that decision. *See Daria v. Sapient Corp.*, 2022 WL 1172320 (9th Cir. 2022); *see also S. Or. Barter Fair v. Jackson County*, 372 F.3d 1128, 1136 (9th Cir. 2004) (“The law of the case doctrine . . . precludes a court from reexamining an issue previously decided by the same court . . .”). To the extent that Daria attempts to appeal the district court’s decision to declare her a vexatious litigant and enter a pre-filing review order

against her, we do not consider this decision, because it was not raised in her earlier appeal. *See In re Cellular 101, Inc.*, 539 F.3d 1150, 1155 (9th Cir. 2008) (holding that “we need not and do not consider a new contention that could have been but was not raised on the prior appeal” (internal quotation marks omitted)).

To the extent that Daria attempts to appeal the post-judgment order entered by the district court prior to August 31, 2023, we lack jurisdiction because Daria failed to file a timely notice of appeal. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional).

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).

Defendant Sapiient Corp.’s request for appellate costs, set forth in its answering brief, is denied without prejudice to the filing of a bill of costs.

All other pending motions and requests are denied.

AFFIRMED.