

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 20 2025

FOR THE NINTH CIRCUIT

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

PRESTON DUANE PERKINS, JR.,

Plaintiff - Appellant,

v.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION, INC.;  
DENNIS KARIGER; LUCKY LACT, LLC;  
CLEANMAX, INC., Craig Cox; KEY  
PROPERTY MANAGEMENT, LLC, Brian  
Hartsell; TARA CLARK NEWBERRY;  
JONATHAN C. PATILLO; PATRICK W.  
KANG Esquire,

Defendants - Appellees.

No. 24-3329

D.C. No. 2:23-cv-01690-CDS-DJA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Cristina D. Silva, District Judge, Presiding

Submitted October 15, 2025\*\*

Before: FRIEDLAND, MILLER, and SANCHEZ, Circuit Judges.

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\* 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).

Preston Duane Perkins, Jr., appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action alleging claims arising from landlord and tenant issues. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Prather v. AT&T, Inc.*, 847 F.3d 1097, 1102 (9th Cir. 2017). We affirm.

The district court properly dismissed Perkins's action because Perkins failed to allege a federal question or facts showing diversity of citizenship. *See* 28 U.S.C. §§ 1331, 1332(a); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89, 103-04 (1998) (explaining that the party asserting jurisdiction has the burden to establish its existence and that an action may be dismissed for lack of subject matter jurisdiction where the alleged federal claim is "wholly insubstantial and frivolous" (citations omitted)).

The district court did not abuse its discretion in denying leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend may be denied when amendment would be futile).

The district court did not abuse its discretion in striking Perkins's attachments to the first amended complaint and to the opposition to Panorama Towers Owners' Associations' motion to dismiss because the attachments were

improper pleadings and did not comply with the Local Rules, respectively. *See Siskiyou Reg'l Educ. Project v. U.S. Forest Serv.*, 565 F.3d 545, 559 (9th Cir. 2009) (setting forth standard of review for striking material under Fed. R. Civ. P. 12(f)); *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) (setting forth standard of review for rulings regarding local rules; “The district court has considerable latitude in . . . enforcing local rules that place parameters on briefing.”).

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).

All pending motions are denied.

**AFFIRMED.**