

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2026

FOR THE NINTH CIRCUIT

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

DARIUS JOHNSON BEY, named as  
Darius-Johnson Bey,

Plaintiff - Appellant,

v.

STATE OF ARIZONA, in care of Attorney  
General Kris Mayes; ARIZONA  
DEPARTMENT OF ADMINISTRATION,  
Risk Management Division, named as  
ADOD Risk Management; PHOENIX  
POLICE DEPARTMENT, named as The  
City of Phoenix Police  
Department; CURTIS KLUSEK; ANDREA  
LAMPHIER; ARIZONA PEACE  
OFFICER STANDARDS AND TRAINING  
BOARD,

Defendants - Appellees.

No. 24-3393

D.C. No. 2:23-cv-00477-MTL-CDB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Michael T. Liburdi, District Judge, Presiding

Submitted January 22, 2026\*\*

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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).

Before:       WARDLAW, CLIFTON, and R. NELSON, Circuit Judges.

Darius Johnson Bey appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims arising from a traffic stop and his subsequent arrest and detention. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court’s summary judgment, *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1259 (9th Cir. 2021), and its dismissal under Federal Rule of Civil Procedure 12(b)(6), *Benavidez v. County of San Diego*, 993 F.3d 1134, 1141 (9th Cir. 2021). We affirm.

The district court properly granted summary judgment on Bey’s Fourth Amendment claim against Officer Klusek because Bey failed to raise a genuine dispute of material fact as to whether Klusek lacked probable cause to arrest and detain him for criminal speeding and failure to provide identification. *See Cabrera v. City of Huntington Park*, 159 F.3d 374, 380 (9th Cir. 1998) (explaining that to prevail on a Fourth Amendment claim for false arrest and imprisonment, the plaintiff must demonstrate there was no probable cause to arrest him).

The district court properly dismissed Bey’s other claims because Bey 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 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).

**AFFIRMED.**