

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 7 2026

FOR THE NINTH CIRCUIT

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

BRUCE KOKLICH, individually and as
Class Representatives,

Plaintiff - Appellant,

and

HAROLD W. TAYLOR, DAVID M.
ZIEMKE, JON GARY SCHNABEL,
RONALD E. AUSTIN, CHRISTOPHER
CAMP, GEORGE JACKSON,

Plaintiffs,

v.

DEAN BORDERS, Warden and Senior
Administrative and Policy making Officer,
individual and official
capacity; CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION, a California Public
Entity,

Defendants - Appellees.

No. 24-3505

D.C. No. 5:18-cv-02488-TJH-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, Jr., District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

California state prisoner Bruce Koklich appeals pro se from the district court's summary judgment in his action alleging a violation of the Americans with Disabilities Act ("ADA") in connection with water quality at the California Institution for Men. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1259 (9th Cir. 2021). We affirm.

The district court properly granted summary judgment on Koklich's ADA claim because Koklich failed to raise a genuine dispute of material fact as to whether he was discriminated against by reason of his disability. *See McGary v. City of Portland*, 386 F.3d 1259, 1265 (9th Cir. 2004) (discussing elements of an ADA Title II claim).

The district court did not abuse its discretion in denying plaintiffs' counsel's motions to withdraw because counsel did not comply with local rules regarding notice to clients and plaintiffs could not represent the putative class pro se. *See* C.D. Cal. R. 83-2.3.1 ("A motion for leave to withdraw must be made upon written

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

notice given reasonably in advance to the client and to all other parties who have appeared in the action.”); *United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009) (setting forth standard of review and factors to consider in reviewing denial of motion to withdraw as counsel); *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (explaining that the privilege to represent oneself *pro se* “is personal to the litigant and does not extend to other parties or entities”); *Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007) (explaining that the district court has broad discretion in interpreting and applying local rules).

The district court did not abuse its discretion in rejecting or striking Koklich’s *pro se* communications and filings because Koklich was represented by counsel. *See Atchison, Topeka & Santa Fe Ry Co. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) (explaining that district courts have the inherent power to control their dockets); *see also* C.D. Cal. R. 83-2.3.1 (“Whenever a party has appeared by an attorney, the party may not thereafter appear or act *pro se*, except upon order made by the Court after notice to such attorney and to any other parties who have appeared in the action.”).

Contrary to Koklich’s contentions, he is responsible for the consequences of any alleged errors by his attorneys. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962) (“Petitioner voluntarily chose this attorney as his representative in the action, and he cannot now avoid the consequences of the acts or omissions of this

freely selected agent.”).

We reject as unsupported by the record Koklich’s contention that defendants’ counsel engaged in fraud on the court.

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.