

FILED

MAY 29 2026

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHEILA HALOUSEK,

Plaintiff - Appellant,

v.

CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM; CALIFORNIA
DEPARTMENT OF JUSTICE,

Defendants - Appellees.

No. 25-3880

D.C. No. 2:23-cv-00839-DC-CSK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dena M. Coggins, District Judge, Presiding

Submitted May 26, 2026**

Before: S.R. THOMAS, MILLER, and H.A. THOMAS, Circuit Judges.

Sheila Halousek appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action alleging constitutional and statutory claims regarding

* 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).

suspension of her pension payments. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the bases of Eleventh Amendment immunity and failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004). We affirm.

The district court properly dismissed Halousek’s § 1983 claims as barred by Eleventh Amendment immunity. *See Crowe v. Oregon State Bar*, 989 F.3d 714, 730 (9th Cir. 2021) (explaining that the “Eleventh Amendment bars . . . federal suits against unconsenting states [and] their agencies . . . regardless of the nature of the relief sought” (citation and internal quotation marks omitted)); *Stilwell v. City of Williams*, 831 F.3d 1234, 1245 (9th Cir. 2016) (explaining that § 1983 did not abrogate states’ Eleventh Amendment immunity); *Brooks v. Sulphur Springs Valley Elec. Coop.*, 951 F.2d 1050, 1053 (9th Cir. 1991) (explaining that Eleventh Amendment immunity bars suits in federal court against a state by its own citizens).

The district court properly dismissed Halousek’s claims under 18 U.S.C. § 242 because § 242 is “criminal statute[] that do[es] not give rise to civil liability.” *Allen v. Gold Country Casino*, 464 F.3d 1044, 1048 (9th Cir. 2006).

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.