

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2026

FOR THE NINTH CIRCUIT

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

DAVID P. MARTIN,

Plaintiff - Appellant,

v.

ODS COMMUNITY DENTAL; MODA  
HEALTH PLAN, INC.; DOES 1-50,

Defendants - Appellees.

No. 26-3357

D.C. No. 3:26-cv-00901-AB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Amy M. Baggio, District Judge, Presiding

Submitted August 25, 2026\*\*

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

The motions (Docket Entry Nos. 9, 18) to proceed in forma pauperis are granted.

David P. Martin appeals pro se from the district court's order dismissing his

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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).

action alleging federal and state law claims arising out of the denial of health insurance coverage. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

Because Martin does not challenge the district court's ground for dismissal of his action in his opening brief, we do not consider that decision. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (explaining that "we will not consider any claims that were not actually argued in appellant's opening brief"); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992), *as amended* (Oct. 8, 1993) (explaining that issues not supported by argument in pro se appellant's opening brief are deemed abandoned).

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 other pending motions and requests are denied.

**AFFIRMED.**