

NOT FOR PUBLICATION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, AKA We the people,
et al,

Plaintiff - Appellant,

v.

CITY OF PORTLAND; COUNTY OF
MULTNOMAH; TRI-COUNTY
METROPOLITAN TRANSPORTATION;
PORTLAND WATER BUREAU; ODS
COMMUNITY DENTAL; Attorney
General DAN RAYFIELD; Director SEJAL
HATHI, (Ora); Governor TINA KOTEK,
Oregon Governor, Injunctive only; Chair
JESSICA VEGA PEDERSON; Sheriff
NICOLE M. O'DONNELL; District
Attorney NATHAN VASQUEZ;
CAREOREGON; HEALTH SHARE OF
OREGON; MODA HEALTH PLAN, INC.;
AMY DOE; BECKY DOE; Doctor
MISHAUN SAHEBI; Doctor JEFFREY
VAN ORMAN; Doctor SOOYEON SHIM;
DOES, 1-10,

Defendants - Appellees.

No. 26-3777

D.C. No. 3:26-cv-00405-AB

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon

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

Amy M. Baggio, District Judge, Presiding

Submitted August 25, 2026**

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

David P. Martin appeals pro se from the district court’s judgment dismissing his action alleging federal and state law claims. 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 this 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).

The district court did not abuse its discretion in denying further 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); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th

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

Cir. 2008) (explaining that “the district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint” (citation omitted)).

The district court did not abuse its discretion in denying Martin’s motions for recusal of the district judge because Martin failed to establish a basis for such relief. *See United States v. Hernandez*, 109 F.3d 1450, 1453-54 (9th Cir. 1997) (setting forth standard of review and standards for recusal of judges).

Contrary to Martin’s contentions, his due process rights were not violated by the judicial assignment in this case. *See In re Marshall*, 721 F.3d 1032, 1040 (9th Cir. 2013) (explaining that “judges are vested with inherent authority to transfer cases among themselves for the expeditious administration of justice” and that “a party has no due process right to . . . the selection or avoidance of any particular judge absent a showing of bias or partiality in the proceedings” (citation and internal quotation marks omitted)); *see also Liteky v. United States*, 510 U.S. 540, 555 (1994) (explaining that judicial rulings alone rarely support an allegation of bias).

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).

The motion (Docket Entry No. 6) to amend the opening brief is granted. All

other pending motions and requests are denied.

AFFIRMED.