NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENMANUEL ISAIAS ERAZO, Plaintiff - Appellant, v. DANIEL BOYD; PRINCE NAGI; RONY FLORES; URIEL VAZQUEZ; PETALUMA POLICE DEPARTMENT, Defendants - Appellees.	No. 25-4424 D.C. No. 4:24-cv-03525-KAW MEMORANDUM[*]

Appeal from the United States District Court
for the Northern District of California
Kandis A. Westmore, Magistrate Judge, Presiding[**]

Submitted October 27, 2026[***]

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Enmanuel Isaias Erazo appeals pro se from the district court's judgment

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

[**] The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from an arrest. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040 (9th Cir. 2011). We affirm.

The district court properly dismissed Erazo's action because Erazo failed to allege facts sufficient to state any plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that a complaint does not "suffice if it tenders naked assertions devoid of further factual enhancement" (citation and internal quotation marks omitted and alteration adopted)).

The district court did not abuse its discretion in taking judicial notice of the existence of the arrest and search warrants because the documents were matters of public record. *See Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (setting forth standard of review and explaining that a court may take judicial notice of matters of public record).

The district court did not abuse its discretion in dismissing Erazo's complaint without leave to amend because amendment would have been futile. *See Cervantes*, 656 F.3d at 1041 (setting forth standard of review and stating that dismissal without leave to amend is proper where amendment would be futile).

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 pending motions are denied.

AFFIRMED.