

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2021

FOR THE NINTH CIRCUIT

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

KARIM CHRISTIAN KAMAL,

Plaintiff-Appellant,

v.

JOSEPH A. FARROW, Individual capacity;
et al.,

Defendants-Appellees,

and

DONNA FIELDS GOLDSTEIN, Individual
capacity; et al.,

Defendants.

No. 20-55065

D.C. No. 2:17-cv-01986-RGK-
DFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

* 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).

Karim Christian Kamal appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 and Racketeer Influenced and Corrupt Organizations Act ("RICO") action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Fed. R. Civ. P. 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Kamal's action because Kamal failed to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *see also Eclectic Props. E, LLC v. Marcus & Millichap Co.*, 751 F.3d 990, 997 (9th Cir. 2014) (stating the elements of a RICO claim); *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996) ("Liability for improper custom may not be predicated on isolated or sporadic incidents; it must be founded upon practices of sufficient duration, frequency and consistency that the conduct has become a traditional method of carrying out policy."); *Maynard v. City of San Jose*, 37 F.3d 1396, 1404 (9th Cir. 1994) ("Intentional discrimination means that a defendant acted at least in part *because of* a plaintiff's protected status.").

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.

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DEC 28 2021

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Central District of California,
Los Angeles

ORDER

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

The panel has voted to deny the petition for rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Kamal's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 65) are denied.

No further filings will be entertained in this closed case.