

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 08 2009

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

ROGER ROMERO; MONIQUE
ROMERO,

Plaintiffs - Appellants,

v.

RODNEY KIRKLAND; et al.,

Defendants - Appellees.

No. 06-16620

D.C. No. CV-05-01245-DFL/JFM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
David F. Levi, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Roger and Monique Romero appeal pro se from the district court's judgment dismissing without prejudice their action for failure to comply with Rule 8 of the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Federal Rules of Civil Procedure. We have jurisdiction under 28 U.S.C. § 1291.

We review for abuse of discretion, *McHenry v. Renne*, 84 F.3d 1172, 1178-79 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion by dismissing the action for violation of Rule 8 because the complaint failed to allege sufficient facts to support federal jurisdiction or any federal claim for relief. *See* Fed. R. Civ. P. 8(a) (stating that a complaint must contain a “short and plain statement” of the grounds for the court’s jurisdiction and the claims for relief); *McHenry*, 84 F.3d at 1178-79 (concluding that a court may dismiss an action for noncompliance with Rule 8 after considering less drastic alternatives).

AFFIRMED.