

AUG 17 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANCOIS POITIER GIVENS,

Plaintiff - Appellant,

v.

DERRAL G. ADAMS; et al.,

Defendants - Appellees.

No. 08-15093

D.C. No. CV-04-06288-AWI/DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, Chief Judge, Presiding

Submitted August 11, 2009\*\*

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges.

Francois Poitier Givens, a California state prisoner, appeals pro se from the district court's judgment dismissing his action for failure to comply with a court

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\* 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).

order to file an amended complaint. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing the action after Givens failed to file a third amended complaint within thirty days, despite the court's order directing him to do so and warning him that noncompliance could result in dismissal. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (concluding that district court did not abuse its discretion by dismissing petitioner's action for failure to comply timely with order to file an amended petition).

The district court did not abuse its discretion by denying Givens's motions for a preliminary injunction because the district court did not have personal jurisdiction over the named entities. *See Price v. City of Stockton*, 390 F.3d 1105, 1117 (9th Cir. 2004) (per curiam) ("A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.") (citation omitted).

**AFFIRMED.**