

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 30 2009

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

KENNETH BARKER; LOIS ANNE  
BARKER,

Plaintiffs - Appellants,

v.

ROUND HILL COUNTY CLUB; et al.,

Defendants - Appellees.

No. 08-17515

D.C. No. 3:08-cv-02977-SI

MEMORANDUM \*

Appeal from the United States District Court  
for the Northern District of California  
Susan Yvonne Illston, District Judge, Presiding

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Kenneth and Lois Anne Barker appeal pro se from the district court's  
judgment dismissing for failure to prosecute their action brought under the

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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).

Racketeer Influenced and Corrupt Organizations Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal under Federal Rule of Civil Procedure 41(b), *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion by dismissing the action in light of the Barkers' failure to file an amended complaint or indicate their intention to stand on the initial complaint within the deadline set by the court. *See id.* at 642-43 (discussing factors that courts must consider in deciding whether to dismiss under Rule 41(b)).

The Barkers' remaining contentions are unpersuasive.

**AFFIRMED.**