

OCT 30 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTIN ALLEN JOHNSON,

Plaintiff - Appellant,

v.

BRIAN BELLEQUE, Warden OPS; et al.,

Defendants - Appellees.

No. 08-35686

D.C. No. 3:08-cv-00019-BR

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted October 13, 2009**

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

Oregon state prisoner Martin Allen Johnson appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to state a claim

* 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).

pursuant to 28 U.S.C. § 1915(e)(2). We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996), and we affirm.

The district court properly dismissed Johnson’s action for failure to cure the deficiencies in his complaint after the court twice granted him leave to amend and provided specific instructions on how he could amend his complaint to satisfy Federal Rule of Civil Procedure 8. *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).

Johnson’s motion to supplement the record is denied as moot.

AFFIRMED.