

DEC 08 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAURIE MARIE LASKEY,

Plaintiff - Appellant,

v.

MICROSOFT CORPORATION,

Defendant - Appellee.

No. 08-17201

D.C. No. 3:08-cv-01465-WHA

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
William H. Alsup, District Judge, Presiding

Submitted November 17, 2009\*\*

Before: TROTT, TASHIMA, and FISHER, Circuit Judges.

Laurie Marie Laskey appeals pro se from the district court's judgment dismissing her diversity action alleging, inter alia, that Microsoft Corporation was

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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).

negligent by releasing Windows 95. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion the district court's dismissal for failure to comply with an order of the court. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing the action after Laskey repeatedly failed to file a more definite pleading after being warned that failure to do so would result in dismissal. *See id.* at 1260-62 (holding that the district court did not abuse its discretion by dismissing after providing the litigant with notice of the complaint's defects and adequate time to amend).

We do not consider Laskey's arguments raised for the first time on appeal. *See Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007).

Laskey's remaining contentions are unpersuasive.

**AFFIRMED.**