

DEC 08 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARK CONRAD FAUROT, II,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>C. A. TERHUNE; et al.,</p> <p>Defendants - Appellees.</p>

No. 08-17743

D.C. No. 2:08-cv-00254-MCE-DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted November 17, 2009**

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

Mark Conrad Faurot, II, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that the defendants violated his civil rights. We have jurisdiction pursuant to 28 U.S.C.

* 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).

§ 1291. We review de novo. *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1064 (9th Cir. 2004). We affirm.

The district court properly dismissed the action without prejudice because the prolix allegations in Faurot’s 516-page complaint did not comply with Rule 8(a)(2) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 8(a)(2) (requiring that a pleading contain “a short and plain statement of the claim showing that the pleader is entitled to relief”); *McHenry v. Renne*, 84 F.3d 1172, 1179-80 (9th Cir. 1996) (affirming dismissal of plaintiff’s complaint because it failed to set forth simple, concise and direct averments).

Faurot’s remaining contentions are unpersuasive.

AFFIRMED.