

DEC 14 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LARRY NOBLE MAYS,

Plaintiff - Appellant,

v.

CITY OF LOS ANGELES POLICE  
DEPARTMENT; et al.,

Defendants - Appellees.

No. 08-55635

D.C. No. 2:07-cv-04775-ODW-JC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Otis D. Wright, District Judge, Presiding

Submitted November 17, 2009\*\*

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

Larry Noble Mays appeals pro se from the district court's judgment  
dismissing without prejudice his 42 U.S.C. § 1983 action for failure to prosecute.

---

\* 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).

We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *Ash v. Cvetkov*, 739 F.2d 493, 495 (9th Cir. 1984), and we affirm.

Because Mays does not raise any arguments regarding the district court’s basis for dismissal, he waives any such challenge on appeal. *See Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We review only issues which are argued specifically and distinctly in a party’s opening brief. We will not manufacture arguments for an appellant . . . .”) (internal citation omitted). Mays’s contentions regarding the merits of his underlying claims are unavailing. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1385 (9th Cir. 1996) (stating that a dismissal for failure to prosecute “prevents disposition on the merits”).

**AFFIRMED.**