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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARLENE D. ROWLAND,

Plaintiff - Appellant,

v.

SECURITIES AND EXCHANGE
COMMISSION (SEC); NASD, INC.;
NASD DISPUTE RESOLUTION, INC.;
NASD DEPARTMENT OF
ENFORCEMENT,

Defendants - Appellees.

No. 07-56854

D.C. No. CV-06-07434-GPS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Arlene D. Rowland appeals pro se from the district court's orders dismissing her action with prejudice for failure to comply with a prior court order and denying her motion for reconsideration. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion both the dismissal of a complaint for failure to comply with an order and the denial of a motion for reconsideration. *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1063 (9th Cir. 2004); *Jeff. D. v. Kempthorne*, 365 F.3d 844, 850 (9th Cir. 2004). We affirm.

The district court did not abuse its discretion by dismissing Rowland's action for failure to follow a court order, where the court previously gave Rowland twenty days leave to amend and provided a detailed explanation of the defects in the complaint, yet Rowland did not submit an amended complaint, seek a continuance, or communicate that she did not intend to submit an amended complaint. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (discussing factors to be considered before dismissing for failure to comply with a court order).

The district court also did not abuse its discretion by denying Rowland's motion for reconsideration because she did not demonstrate that her failure to comply with the court's amendment deadline was due to "excusable neglect" or "surprise." *See McNeil v. United States*, 508 U.S. 106, 113 (1993) (procedural

rules in civil litigation should not be interpreted to excuse mistakes by those who proceed without counsel); *Franchise Holding II, LLC. v. Huntington Rests. Group, Inc.*, 375 F.3d 922, 927 (9th Cir. 2004) (delay due to factors within the reasonable control of the movant does not constitute “excusable neglect”).

Because we affirm the district court’s dismissal of the action for failure to follow a court order, we do not consider Rowland’s contentions regarding the district court’s previous dismissal order. *See Edwards*, 356 F.3d at 1063.

Rowland’s remaining contentions are not persuasive.

AFFIRMED.