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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDWARD PHILLIP MCKENNA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>SAN BERNARDINO COUNTY; et al.,</p> <p>Defendants - Appellees.</p>

No. 08-56337

D.C. No. 5:03-cv-01111-GW-CW

MEMORANDUM*

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

Submitted December 15, 2009**

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

Edward Phillip McKenna, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to

* 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).

prosecute or to comply with court orders. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing the action, without prejudice, after weighing the pertinent factors and providing McKenna numerous opportunities to amend his complaint and warning that failure to do so properly would result in dismissal. *See id.* at 1260-63 (addressing factors to consider in determining whether a district court abused its discretion by dismissing a pro se action under Fed. R. Civ. P. 41(b)).

McKenna's remaining contentions are unpersuasive.

All pending motions are denied.

AFFIRMED.