

JAN 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PHINEAS CARLETTA BOLDEN,

Plaintiff - Appellant,

v.

LOS ANGELES COUNTY SHERIFF; et  
al.,

Defendants - Appellees.

No. 08-55808

D.C. No. 2:06-cv-07729-AG-AJW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Andrew J. Guilford, District Judge, Presiding

Submitted January 11, 2010\*\*

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Phineas Carletta Bolden appeals pro se from the district court's judgment  
dismissing her 42 U.S.C. § 1983 action under Federal Rule of Civil Procedure

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

37(b) for failure to comply with a discovery order compelling her deposition. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987), and we affirm.

The district court did not abuse its discretion by dismissing the action after finding that Bolden willfully failed to appear at her deposition despite being ordered to do so and warned that noncompliance could result in dismissal. *See Hyde & Drath v. Baker*, 24 F.3d 1162, 1166-67 (9th Cir. 1994) (setting forth factors that a district court must consider before dismissing an action for failure to comply with a discovery order, and explaining that the district court has wide discretion in determining the location of depositions).

Bolden's remaining contentions are unavailing.

**AFFIRMED.**