

JAN 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JACKIE MELLOW; SHARON A.  
MARTIN,

Plaintiffs - Appellants,

v.

SACRAMENTO COUNTY; et al.,

Defendants - Appellees.

No. 08-17053

D.C. No. 2:08-cv-00027-LKK-  
EFB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence K. Karlton, District Judge, Presiding

Submitted January 11, 2010\*\*

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

Jackie Mellow and Sharon A. Martin appeal pro se from the district court's judgment dismissing their action alleging a conspiracy among government officials to interfere with their property rights. We have jurisdiction under 28 U.S.C.

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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).

§ 1291. We review for an abuse of discretion, *Gaskell v. Weir*, 10 F.3d 626, 628 (9th Cir. 1993), and we affirm.

The district court did not abuse its discretion by dismissing the action pursuant to Federal Rule of Civil Procedure 11 because the record supports the conclusion that Plaintiffs filed the action for purposes of harassment. *See* Fed. R. Civ. P. 11 (stating that a court may sanction a party sua sponte, after notice and a reasonable opportunity to respond, for filing a pleading presented for an improper purpose); *Hudson v. Moore Bus. Forms, Inc.*, 836 F.2d 1156, 1163 (9th Cir. 1987) (“The district court has wide discretion in determining the appropriate sanction for a Rule 11 violation.”).

Appellants’ remaining contentions are unpersuasive.

We deny the petition for writ of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650, 654-55 (9th Cir. 1977) (discussing five guidelines to determine whether the “extraordinary” remedy of mandamus is warranted).

**AFFIRMED.**