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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>IVY ANDERSON; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellants,</p> <p style="text-align: center;">v.</p> <p>CITY OF DAVIS; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 08-17112

D.C. No. 2:05-cv-02321-LKK-GGH

MEMORANDUM\*

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

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Ivy Anderson and David Johnson appeal pro se from the district court's judgment dismissing their 42 U.S.C. § 1983 action as a sanction for failure to

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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).

comply with the district court's discovery orders. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion. *Valley Eng'rs, Inc. v. Elec. Eng'g Co.*, 158 F.3d 1051, 1052 (9th Cir. 1998). We affirm.

The district court did not abuse its discretion by dismissing the action after weighing the relevant factors. *See id.* at 1057 (listing factors to consider in determining whether to dismiss an action under Fed. R. Civ. P. 37). Appellants failed to comply with discovery orders despite the district court's warnings that non-compliance could result in dismissal.

Appellants' remaining contentions are unpersuasive.

Appellants' motion filed on September 16, 2009 is denied.

**AFFIRMED.**