

MAR 03 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM SHARKOZY, AKA Bill
Sharkozy,

Plaintiff - Appellant,

v.

CITY OF PAYSON POLICE
DEPARTMENT, Payson, Arizona,

Defendant - Appellee.

No. 08-17347

D.C. No. 2:08-cv-00640-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted February 16, 2010**

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

William Sharkozy appeals pro se from the district court's judgment

* 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).

dismissing his action alleging that police officers neglected their duties. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's dismissal pursuant to its local rules. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam). We affirm.

The district court did not abuse its discretion by dismissing the action for failure to file an opposition to defendant's motion to dismiss because Sharkozy had ample time to respond to the motion to dismiss but failed to do so. *See id.* at 54. Moreover, Sharkozy has waived any challenge to the district court's dismissal because he has not addressed it on appeal. *See Kim v. Kang*, 154 F.3d 996, 1000 (9th Cir. 1998) (“[W]e will not ordinarily consider matters on appeal that are not specifically and distinctly argued in appellant's opening brief.”) (citation and internal quotation marks omitted).

Sharkozy's remaining contentions are unpersuasive.

Sharkozy's motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

Sharkozy's other pending motions, filed on August 27, 2009, are denied.

AFFIRMED.