

MAR 03 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT STAPLETON,

Plaintiff - Appellant,

v.

CITY OF PHOENIX, an incorporated
municipality including, but not limited to,
the Mayor; et al.,

Defendants - Appellees.

No. 08-17774

D.C. No. 2:08-cv-00681-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted February 16, 2010**

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

Robert Stapleton appeals pro se from the district court's order dismissing his

* 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). Accordingly, Stapleton's request for oral argument is denied.

action alleging civil rights violations in connection with state criminal zoning convictions. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by dismissing the action for violation of Rule 8 because the complaint failed to allege sufficient facts to support federal jurisdiction or any federal claim for relief. *See* Fed. R. Civ. P. 8(a) (stating that a complaint must contain a “short and plain statement” of the grounds for the court’s jurisdiction and the claims for relief); *McHenry*, 84 F.3d at 1178-79 (concluding that a court may dismiss an action for noncompliance with Rule 8 after considering less drastic alternatives).

Stapleton’s remaining contentions are unpersuasive.

AFFIRMED.