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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KERRY D. FRITZ, II,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>PHILLIP GARZA, KCSO Deputy; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-15566

D.C. No. 1:07-cv-00377-OWW-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Kerry D. Fritz, II, appeals pro se from the district court’s judgment in his 42 U.S.C. § 1983 action for failure to comply with the court’s orders. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing the action after Fritz filed a third amended complaint that failed to conform with Federal Rule of Civil Procedure 8, where the district court specifically warned Fritz multiple times that failure to comply with Rule 8 would result in dismissal of his action, and properly weighed the pertinent factors for dismissal. *See id.* at 1260-61 (discussing factors that courts must consider in determining whether to dismiss for failure to comply with a court order).

Fritz's remaining contentions are unpersuasive.

AFFIRMED.