

APR 05 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOHAMED AHMED,

Plaintiff - Appellant,

v.

EVERGREEN WATER SEWER
DISTRICT 19; et al.,

Defendants - Appellees.

No. 08-35848

D.C. No. 2:08-cv-00221-JLR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted March 16, 2010*

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

Mohamed Ahmed appeals pro se from the district court's judgment
dismissing with prejudice his 42 U.S.C. § 1983 action. We have jurisdiction

* 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).

pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion, *Yourish v. Cal. Amplifer*, 191 F.3d 983, 986 (9th Cir. 1999), and we affirm.

Because the district court properly dismissed Ahmed's federal claims under Federal Rule of Civil Procedure 12(b)(6) and Ahmed failed to amend the complaint after obtaining leave to do so, dismissal of the complaint with prejudice was not an abuse of discretion. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-63 (9th Cir. 1992) (discussing factors to determine whether dismissal for failure to amend was an abuse of discretion); *Balistreri v. Pacifica Police Dept*, 901 F.2d 696, 699 (9th Cir. 1990). To the extent Ahmed raises any state law claims, the district court did not abuse its discretion when it declined to exercise supplemental jurisdiction. *See* 28 U.S.C. § 1367(c)(3).

Finally, we grant Appellees' motion to strike.

AFFIRMED.