

APR 20 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: ALEXIS MAGER
LAKUSTA,

Debtor,

ALEXIS MAGER LAKUSTA,

Appellant,

v.

MARK H. EVANS; et al.,

Appellees,

No. 08-15328

D.C. No. CV-07-03085-SBA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra Brown Armstrong, District Judge, Presiding

Submitted April 5, 2010**

* 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).

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Alexis Mager Lakusta appeals pro se from the district court's order dismissing his appeal from the bankruptcy court's order denying his motion to compel abandonment of certain legal claims. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion the district court's dismissal under Federal Rule of Civil Procedure 41(b), *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion by dismissing the action because Lakusta failed to file his opening brief after the district court had previously explored less drastic alternatives and warned Lakusta that failure to comply with the court's orders would result in dismissal. *See id.* at 642 (outlining factors to consider before dismissing a claim for failure to prosecute).

Lakusta's remaining contentions are unpersuasive.

Evans's request for sanctions is denied.

AFFIRMED.