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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOE SHERMAN,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>HENDERSON, Yolo County District Attorney; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 08-16597

D.C. No. 2:06-cv-02414-GEB-
GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Joe Sherman, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging false arrest, malicious persecution, conspiracy and other claims. We have jurisdiction under

* 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).

28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim, *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004), and we review for abuse of discretion the dismissal of an action for failure to comply with a court order, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court properly dismissed Sherman's First Amended Complaint for failure to comply with Federal Rule of Civil Procedure 8, which requires each averment of a pleading to be simple, concise, and direct, with enough detail to guide discovery. *See McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996).

The district court did not abuse its discretion by dismissing the action after providing Sherman with a second opportunity to amend his complaint, apprising him of the deficiencies of his pleading, and warning him that failure to amend would result in dismissal. *See Ferdik*, 963 F.2d at 1261-62.

Sherman's remaining contentions are unpersuasive.

All pending motions and requests are denied.

AFFIRMED.