

JUL 13 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOE CABELLO, an individual person,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CITY OF PHOENIX; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
--

No. 09-16217

D.C. No. 2:08-cv-01521-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Joe Cabello appeals pro se from the district court’s order dismissing his action under Rule 41(b) of the Federal Rules of Civil Procedure for failure to file an amended complaint after the district court dismissed his complaint with leave to

* 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).

amend. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Yourish v. California Amplifier*, 191 F.3d 983, 989 (9th Cir. 1999). We affirm.

The district court gave Cabello notice of the insufficiencies of his complaint, dismissed it with leave to amend, and provided Cabello with ample opportunity to submit an amended complaint, but Cabello failed to do so. We affirm the district court's dismissal of the action. *See id.* at 992 (affirming dismissal of action following plaintiff's failure to amend complaint after receiving leave to do so, where the interest in expeditious resolution of litigation, the court's management of its docket, and avoiding prejudice to defendants favored dismissal).

Cabello's remaining contentions are unpersuasive.

AFFIRMED.