

JUL 22 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CHARLES JAMES CHATMAN,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>R. JOHNSON, Captain; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 09-15497

D.C. No. 2:06-cv-00578-MCE-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted June 29, 2010**

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

Charles James Chatman, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action for failure to prosecute. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse

* 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).

of discretion, *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion by dismissing Chatman's action for failure to prosecute after warning Chatman to comply with its orders to file a pretrial statement and weighing the pertinent factors. *See id.* at 642-43 (discussing factors that courts must consider in determining whether to dismiss for failure to prosecute or failure to comply with a court order); *see also* E.D. Cal. L.R. 16-281.

Because we affirm the district court's dismissal for failure to prosecute, we do not consider Chatman's challenges to the district court's interlocutory orders. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996) (“[I]nterlocutory orders, generally appealable after final judgment, are not appealable after a dismissal for failure to prosecute . . .”).

AFFIRMED.