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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JODEE GARRETT, SR.,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JAMES WALKER, Acting Warden; et al.,</p> <p>Defendants - Appellees.</p>

No. 09-17298

D.C. No. 2:06-cv-01904-JAM-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Jodee Garrett, Sr., a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to safety, for failure to prosecute and failure to comply with court orders. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* 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).

discretion, *Pagtalunan v. Galaza*, 291 F.3d 639, 640-41 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion by dismissing Garrett's action for failure to prosecute and failure to comply with court orders, because Garrett did not oppose defendants' motion for summary judgment, despite being given clear warnings by the district court and two extensions of time to do so. *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 under Fed. R. Civ. P. 41(b)).

Garrett's remaining contentions are unpersuasive.

AFFIRMED.