

DEC 27 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD L. NEVITT, AKA Shakur
abdel-Haleem,

Plaintiff - Appellant,

v.

CYNTHIA BRADLEY; et al.,

Defendants - Appellees.

No. 09-35503

D.C. No. 3:08-cv-00226-TMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Timothy M. Burgess, District Judge, Presiding

Submitted December 14, 2010**

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

Richard L. Nevitt, aka Shakur abdel-Haleem, appeals pro se from the district court's judgment dismissing his civil rights action for failure to follow court orders and for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. We

* 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).

have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion when it dismissed with prejudice Nevitt’s proposed third amended complaint, which like the two prior amended complaints failed to comply with the district court’s previous orders requiring compliance with Rule 8. *See id.* at 1179 (district court did not abuse its discretion by dismissing the plaintiff’s third amended complaint with prejudice for failure to abide by Rule 8, which requires that each averment of a pleading be “simple, concise, and direct”); *Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (affirming dismissal of action with prejudice for failure to comply with court order, and explaining factors courts must consider when deciding whether to dismiss).

AFFIRMED.