

APR 29 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TONY VERDUGO,

Plaintiff - Appellant,

v.

D. ASHELY COHEN; et al.,

Defendants - Appellees.

No. 07-15331

D.C. No. CV-06-04083-SI

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Susan Illston, District Judge, Presiding

Submitted April 20, 2011\*\*

Before: RYMER, THOMAS and PAEZ, Circuit Judges.

Tony Verdugo, a California state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action for failure to file an amended complaint after the district court dismissed his complaint with leave to amend. 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 an abuse of discretion.

*Yourish v. Cal. Amplifier*, 191 F.3d 983, 989 (9th Cir. 1999). We affirm.

The district court gave Verdugo notice of the deficiencies of his complaint, dismissed it with leave to amend, warned him that failure to amend would result in dismissal of his action, and provided him with ample opportunity to submit a second amended complaint, but Verdugo failed to do so. We therefore 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).

**AFFIRMED.**