

JUL 26 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ASHIT ZINZUWADIA,

Plaintiff - Appellant,

v.

ORACLE CORPORATION,

Defendant - Appellee.

No. 10-15002

D.C. No. 3:06-cv-06702-MHP

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Marilyn H. Patel, District Judge, Presiding

Submitted July 12, 2011\*\*

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

Ashit Zinzuwadia appeals pro se from the district court's judgment dismissing his Family Medical Leave Act action for repeated failure to oppose defendant's motion for summary judgment and to respond to court-ordered discovery. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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, 640-41 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion in dismissing the action after it repeatedly warned Zinzuwadia that noncompliance with its orders to respond to discovery would result in dismissal, and granted numerous extensions of time to comply with those orders and to oppose summary judgment. *See id.* at 642-43 (discussing factors relevant to dismissal for failure to comply with a court order or failure to prosecute); *see also Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (where the district court does not make explicit findings concerning these factors, we “review the record independently to determine if [it] has abused its discretion”).

Zinzuwadia’s remaining contentions are unpersuasive.

**AFFIRMED.**