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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MIKE CHAMBERS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>NICHOLAS GUTIERREZ, Chief Admin & Support,</p> <p style="text-align: center;">Defendant - Appellee.</p>
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No. 10-55884

D.C. No. 2:09-cv-06570-JHN-FMO

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Jacqueline H. Nguyen, District Judge, Presiding

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Mike Chambers appeals pro se from the district court’s order dismissing his action alleging that his former supervisor abused his authority in connection with Chamber’s termination and committed fraud in violation of federal law. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the dismissal of an action for failure to comply with a court order, *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and we affirm.

The district court did not abuse its discretion in dismissing Chambers's action because Chambers failed to file a response to an order to show cause as to why the action should not be dismissed for failure to prosecute after the court instructed him on how to manually file his response and gave him an extension of time to do so. *See id.* at 642–43 (discussing factors for dismissing under Rule 41(b) and affirming dismissal where three out of five factors supported it).

We do not consider arguments and allegations raised for the first time on appeal. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

AFFIRMED.