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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICK ALTON FOLEY,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DORA SCHRIRO, Director; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17037

D.C. No. 2:07-cv-00787-SMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Rick Alton Foley, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that prison officials violated his constitutional rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal under Fed. R.

* 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).

Civ. P. 41(b). *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). We affirm.

The district court did not abuse its discretion by dismissing Foley's action with prejudice for failure to comply with a court order because Foley failed to respond to the court's order requiring him to complete his portion of the Joint Pretrial Order, despite being warned that failure to do so could lead to dismissal. See Fed. R. Civ. P. 41(b); *see also Henderson*, 779 F.2d at 1423 (listing factors to consider before dismissing under Rule 41(b)).

Foley's remaining contentions are unpersuasive.

AFFIRMED.