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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM MICHAEL KRAL,

Plaintiff - Appellant,

v.

BENTON COUNTY, a Washington  
municipal corporation,

Defendant - Appellee.

No. 10-35153

D.C. No. 2:09-cv-05014-RHW

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Robert H. Whaley, District Judge, Presiding

Submitted December 19, 2011\*\*

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

William Michael Kral appeals pro se from the district court's partial summary judgment and judgment dismissing his action as a sanction for failure to comply with discovery orders. We have jurisdiction under 28 U.S.C. § 1291. We

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\* 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).

review de novo partial summary judgment, *Charles Schwab & Co. v. Debickero*, 593 F.3d 916, 918 (9th Cir. 2010), and review for an abuse of discretion a dismissal for violation of court orders, *Allen v. Bayer Corp. (In re Phenylpropanolamine (PPA) Prods. Liab. Litig.)*, 460 F.3d 1217, 1226 (9th Cir. 2006). We affirm.

The district court did not abuse its discretion by dismissing the action for Kral's violation of discovery orders after it considered the relevant factors. *See In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d at 1226-29, 1233 (discussing factors that courts must consider in deciding whether to dismiss an action for failure to comply with a court order, and noting that “the faults and defaults of the attorney may be imputed to, and their consequences visited upon, his or her client” (citation omitted)).

We do not address the district court's partial summary judgment because Kral did not specifically and distinctly argue the issues in his opening brief. *See Entm't Research Grp., Inc. v. Genesis Creative Grp., Inc.*, 122 F.3d 1211, 1217 (9th Cir. 1997) (“We review only issues which are argued specifically and distinctly in a party's opening brief. We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . . .” (citation omitted)).

Kral's remaining contentions, including those concerning ineffective assistance of counsel, are unpersuasive.

**AFFIRMED.**