

JAN 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN COBB,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>J REYES; et al.,</p> <p>Defendants - Appellees.</p>
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No. 10-56646

D.C. No. 3:08-cv-00188-JAH-WMC

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
John A. Houston, District Judge, Presiding

Submitted January 17, 2012\*\*

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

John Cobb appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging various state and federal claims against police officers, prosecutors, public defenders, and judges. We have jurisdiction under 28

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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).

U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with an order to amend the complaint, *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996), and we affirm.

The district court properly dismissed Cobb's action with prejudice after he failed to comply with the court's order to amend his second amended complaint so as to plainly and clearly allege claims arising from his alleged wrongful arrest, prosecution, and conviction over a period of three decades. *See* Fed. R. Civ. P. 8(a)(2) (to state a claim for relief, pleading must contain a short and plain statement of the claim showing that the pleader is entitled to relief); *McHenry*, 84 F.3d at 1178-79 (court may dismiss an action for noncompliance with Rule 8 after considering less drastic alternatives if it cannot determine who is being sued, for what relief, and on what theory); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-63 (9th Cir. 1992) (setting forth factors to consider before dismissing for failure to comply with order to amend).

Cobb's remaining contentions are unpersuasive.

**AFFIRMED.**