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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KATHY TRIPP,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,</p> <p>Defendant - Appellee.</p>

No. 10-17313

D.C. No. 1:09-cv-01400-SKO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Sheila K. Oberto, Magistrate Judge, Presiding**

Submitted February 21, 2012***

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Kathy Tripp appeals pro se from the district court’s judgment dismissing her action seeking review of the Commissioner of Social Security’s denial of benefits

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

for failure to prosecute and failure to comply with court orders. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse 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 Tripp informed the court that she would not comply with the court's orders to provide a confidential letter to the defendant, even if would result in the dismissal of her case. *See id.* at 642-43 (discussing factors relevant to dismissal for failure to comply with a court order or failure to prosecute).

We do not consider Tripp's contentions concerning the district court's order denying her motion for default judgment. *See Ash v. Cvetkov*, 739 F.2d 493, 497-98 (9th Cir. 1984) (interlocutory orders are not appealable after dismissal for failure to prosecute). Nor do we consider Tripp's contentions regarding the merits of the Commissioner of Social Security's denial of benefits raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions are denied.

AFFIRMED.