

APR 26 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

REHAN SHEIKH,

Plaintiff - Appellant,

v.

CISCO SYSTEMS, INC.,

Defendant - Appellee.

No. 10-17684

D.C. No. 5:07-cv-00262-RMW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Ronald M. Whyte, District Judge, Presiding

Submitted April 17, 2012\*\*

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Rehan Sheikh appeals pro se from the district court's judgment dismissing without prejudice his employment action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to prosecute,

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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).

*Ash v. Cvetkov*, 739 F.2d 493, 495 (9th Cir. 1984), and we affirm.

The district court did not abuse its discretion by dismissing Sheikh's action without prejudice for failure to prosecute after Sheikh failed to act on the district court's order granting a motion to compel arbitration, and failed to reasonably explain his inaction. *See id.* at 496-97 (discussing factors to guide the court's decision whether to dismiss for failure to prosecute).

Because we affirm the district court's dismissal for failure to prosecute, we do not consider Sheikh's challenges to the district court's interlocutory orders. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996) (after dismissal for failure to prosecute, interlocutory orders are not appealable regardless of whether the failure to prosecute was purposeful).

Sheikh's remaining contentions are unpersuasive.

**AFFIRMED.**