

JUL 05 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD JAMES DAVENPORT,
individually and as a marital community,

Defendant - Appellant,

and

JENNIFER J. DAVENPORT, individually
and as a marital community; et al.,

Defendants.

No. 10-35506

D.C. No. 2:08-cv-00158-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted June 26, 2012**

* 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).

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Ronald James Davenport appeals pro se from the district court's default judgment in the United States' action to reduce to judgment unpaid federal income tax assessments. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Stars' Desert Inn Hotel & Country Club, Inc. v. Hwang*, 105 F.3d 521, 524 (9th Cir. 1997). We affirm.

The district court did not abuse its discretion by entering a default judgment against Davenport as a sanction after Davenport repeatedly refused to submit to any discovery despite being compelled by the court to do so and warned that failure to comply could lead to an entry of default judgment. *See id.* (discussing factors for district court to consider before entering default judgment as a sanction); *see also* Fed. R. Civ. P. 37(b)(2)(A)(vi) (permitting default judgment as a sanction for failing to comply with a discovery order).

Davenport's remaining contentions are unpersuasive.

Davenport's motion entitled "Complaint on Claim for Common Law Immunity Joined with a Petition for Writ of Habeas Corpus" filed on July 12, 2010, is denied.

AFFIRMED.