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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY RICHARDO TURNER,

Plaintiff - Appellant,

v.

LATISHA LAWSON; DIRECTOR OF  
THE UNIVERSITY OF DAVIS  
MEDICAL HEALTH RECORDS  
INFORMATION MANAGEMENT  
DEPT.,

Defendants - Appellees.

No. 11-15649

D.C. No. 2:10-cv-00057-GEB-  
KJN

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, Jr., District Judge, Presiding

Submitted June 26, 2012\*\*

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

Anthony Richardo Turner, a California state prisoner, appeals pro se from the district court's judgment dismissing his action alleging denial of access to his

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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).

medical records and constitutional violations regarding his medical care. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's dismissal for failure to prosecute. *Ash v. Cvetkov*, 739 F.2d 493, 495 (9th Cir. 1984). We affirm.

The district court did not abuse its discretion by dismissing the action without prejudice because Turner failed to file an amended complaint after being warned that failure to do so would result in dismissal. *See id.* at 496-97 (listing factors to consider before dismissing an action for lack of prosecution and explaining that “[a] relatively brief period of delay is sufficient to justify” a dismissal without prejudice for failure to prosecute).

Turner's remaining contentions are unpersuasive.

**AFFIRMED.**