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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSEF F. BOEHM,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JOSEPH SHEMARIA,</p> <p>Defendant - Appellee.</p>
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No. 10-36076

D.C. No. 3:10-cv-00135-RRB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Ralph R. Beistline, Chief District Judge, Presiding

Submitted August 30, 2012\*\*  
Anchorage, Alaska

Before: HAWKINS, McKEOWN, and BEA, Circuit Judges.

The sole issue in this appeal is whether the district court abused its discretion by denying Plaintiff-Appellant Josef F. Boehm leave to amend his complaint. A district court does not abuse its discretion when it denies leave to amend where a

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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).

plaintiff fails to comply with the local rules regarding amendment and where he “did not propose any new facts or legal theories for an amended complaint and therefore g[i]ve the Court [any] basis to allow an amendment.” *Gardner v. Martino*, 563 F.3d 981, 991 (9th Cir. 2009).<sup>1</sup> We affirm.

Boehm’s request to amend his complaint failed to comply with the local rules,<sup>2</sup> and it did not state any additional facts that would cure the deficiencies of the original complaint. On appeal, Boehm gives us no way to know how or why the district court abused its discretion in denying him leave to amend. Thus, with no hint as to what new allegations could toll the statute of limitations and no proposed amended complaint, the district court did not abuse its discretion by dismissing this case with prejudice.

**AFFIRMED.**

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<sup>1</sup> Because the parties are familiar with the facts of this case, we do not recite them here.

<sup>2</sup> District of Alaska Civil Local Rule 15.1(1) states that “A party who moves to amend a pleading must attach a copy of the amended pleading to the motion.”