

FEB 20 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCOIS TABI,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>PASADENA AREA COMMUNITY COLLEGE DISTRICT,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 11-56206

D.C. No. 2:10-cv-00341-DMG-JC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Francois Tabi appeals pro se from the district court’s judgment dismissing his action under 42 U.S.C. §§ 1983 and 2000d alleging constitutional violations and racial discrimination. We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review for an abuse of discretion a district court's dismissal for failure to comply with local rules, *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam), and we affirm.

The district court did not abuse its discretion by dismissing the action because Tabi failed to oppose defendant's motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See* C.D. Cal. R. 7-12 ("The failure to file any required document, or the failure to file within the deadline, may be deemed consent to the granting or denial of the motion."); *see also Ghazali*, 46 F.3d at 54 (pro se litigants are bound by the rules of procedure).

To the extent that Tabi argues that the district court should have allowed him to file an amended complaint and retain defendant in the lawsuit in order to allow him to conduct discovery regarding unknown and unnamed defendants, this argument has been waived because Tabi failed sufficiently to raise it before the district court. *See In re Rains*, 428 F.3d 893, 902 (9th Cir. 2005).

AFFIRMED.