

MAR 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAWN D. CATZ; ROBERT S. CATZ,

Plaintiffs - Appellants,

v.

DAVID G. CHALKER; et al.,

Defendants - Appellees,

FIDELITY INVESTMENTS, named as
Fidelity Investments (FMR Corporation) -
of the State of Massachusetts;
WATERHOUSE SECURITIES,

Defendants-counter-claimants
- Appellees.

No. 11-16285

D.C. No. 4:03-cv-00091-FRZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

Frank R. Zapata, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Robert S. Catz, an attorney, and his son Shawn D. Catz appeal pro se from the district court's judgment dismissing for failure to comply with court orders their action alleging that a divorce decree and related orders were obtained in violation of their due process rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing the Catzes' action for failure to comply with court orders after giving the Catzes numerous warnings and opportunities to comply with the court's orders. *See id.* at 1260-61 (listing factors to consider prior to dismissal for failure to follow court order); *see also Malone v. U.S. Postal Serv.*, 833 F.2d 128, 133 (9th Cir. 1987) ("It is well established that an attorney who believes a court order is erroneous is not relieved of the duty to obey it." (citation and internal quotation marks omitted)).

The Catzes' arguments concerning lack of standing and alleged due process violations are unpersuasive.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*. Accordingly, the parties' requests for oral argument are denied.

The Catzes' opposed requests for judicial notice, filed on January 9, 2012 and May 14, 2012, are denied.

Robert Catz's motion to receive entries filed with the court electronically, filed on June 11, 2012, is granted. He must register with ECF as explained in the email that the CM/ECF Help Team sent to him shortly after he filed his motion.

Any requests for costs or attorneys' fees on appeal must be made in accordance with the Federal Rules of Appellate Procedure and Ninth Circuit Rule 39-1.6.

AFFIRMED.