

APR 23 2013

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARGARITO VILLASEÑOR,

Plaintiff - Appellant,

v.

CLINTON; et al.,

Defendants - Appellees.

No. 11-56719

D.C. No. 5:08-cv-00419-CAS-  
PJW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Christina A. Snyder, District Judge, Presiding

Submitted April 16, 2013\*\*

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

California state prisoner Margarito Villaseñor appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his hand injury. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir.

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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).

2002) (dismissal for failure to comply with court order and failure to prosecute); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.1995) (per curiam) (dismissal for failure to comply with local rules). We affirm.

The district court did not abuse its discretion by dismissing Villaseñor's action with prejudice after Villaseñor failed to take any action for more than one year. *See Pagtalunan*, 291 F.3d at 642-43 (discussing the five factors for determining whether to dismiss a claim for failure to prosecute or failure to comply with a court order); *Ghazali*, 46 F.3d at 53 (explaining that a court must weigh the same five factors to determine whether dismissal for failure to follow a local rule was an abuse of discretion).

The district court did not abuse its discretion by denying Villaseñor's motion for reconsideration because Villaseñor failed to establish grounds for such relief. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration).

Villaseñor's request for an order directing his prison facility to provide him access to the law library, set forth in his reply brief, is denied.

**AFFIRMED.**