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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RANDALL LYNN HARPER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CITY OF MONTEREY; et al.,</p> <p>Defendants - Appellees.</p>

No. 12-15353

D.C. No. 5:11-cv-02903-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy Koh, District Judge, Presiding

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Randall Lynn Harper appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging various federal and state law claims related to his car being towed. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519

* 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).

F.3d 1025, 1030 (9th Cir. 2008), and we affirm.

Contrary to Harper's contentions, the clerk properly declined Harper's requests for entry of default because defendants filed timely motions to dismiss Harper's action for failure to state a claim. *See* Fed. R. Civ. P. 55(a) (providing that a default can be entered against a party only where that party "has failed to plead or otherwise defend").

Harper's contentions regarding personal jurisdiction and venue are unpersuasive.

Harper's pending motions for judicial notice and entry of default are denied.

AFFIRMED.