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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT GUSSIE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>BANK OF AMERICA, N.A.,</p> <p>Defendant - Appellee.</p>
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No. 12-56116

D.C. No. 3:12-cv-00705-JAH-BGS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judge.

Robert Gussie appeals pro se from the district court’s judgment dismissing his foreclosure action for failure to comply with the local rules. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam), and we affirm.

* 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).

The district court did not abuse its discretion by dismissing Gussie's action because Gussie failed to file an opposition within the time required by the local rules, and the balance of factors favored dismissal. *See* S.D. Cal. Civ. R. 7.1.e.2 (stating that parties must file an opposition fourteen calendar days before the noticed hearing); *Ghazali*, 46 F.3d at 53-54 (listing the factors to be weighed before dismissing an action for failure to follow the local rules, noting that pro se litigants are bound by the rules, and affirming the dismissal of a pro se prisoner's civil rights action for failure to file a timely opposition to defendant's motions to compel and to dismiss).

We reject Gussie's contentions that the clerk mistakenly closed his case file before the judge reviewed it, that he had an unspecified agreement with opposing counsel to extend the time to file his opposition, and that defendant removed the case to federal court to make things difficult for him.

We do not consider the letters submitted by a non-party to this action, received on August 23, 2013, September 11, 2013, and December 12, 2013.

AFFIRMED.