

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 17 2014

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

ANTHONY RAY EVANS,

Plaintiff - Appellant,

v.

DENNIS L. BECK, Judge; et al.,

Defendants - Appellees.

No. 13-15974

D.C. No. 1:12-cv-00284-AWI-
MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted March 10, 2014**

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

California state prisoner Anthony Ray Evans appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that defendants violated his Eighth Amendment and due process rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for

* 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).

failure to comply with a court order. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion by dismissing Evans's action because Evans failed to comply with the court's order to file a fourth amended complaint. *See id.* at 642-43 (discussing factors relevant to dismissal for failure to comply with a court order); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (explaining that, although dismissal is a harsh penalty, the district court's dismissal should not be disturbed unless there is a "definite and firm conviction that the court below committed a clear error of judgment in the conclusion it reached upon a weighing of the relevant factors" (citations and internal quotation marks omitted)).

Evans's contentions concerning alleged misconduct by the magistrate judge are not supported by the record.

Evans's request for a preliminary injunction, filed on January 24, 2014, is denied.

AFFIRMED.