

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JONATHAN CATALDO BERTANELLI,

Plaintiff - Appellant,

v.

CHARLES L. RYAN, Director of ADOC;  
et al.,

Defendants - Appellees.

No. 12-16990

D.C. No. 4:11-cv-00409-FRZ-  
PSOT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Submitted April 7, 2014\*\*

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Jonathan Cataldo Bertanelli, an Arizona state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that defendants violated his constitutional rights. We have jurisdiction under 28 U.S.C.

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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).

§ 1291. We review de novo. *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007) (dismissal under 28 U.S.C. § 1915A); *Dominguez v. Miller (In re Dominguez)*, 51 F.3d 1502, 1508 n.5 (9th Cir. 1995) (dismissal under Fed. R. Civ. P. 8). We affirm.

The district court properly dismissed Bertanelli's action because the operative First Amended Complaint did not comply with Rule 8 of the Federal Rules of Civil Procedure. *See McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996) (under Fed. R. Civ. P. 8, a complaint must set forth simple, concise, and direct averments indicating "which defendants are liable to plaintiffs for which wrongs"); *see also Bautista v. Los Angeles County*, 216 F.3d 837, 840-41 (9th Cir. 2000) (discussing Fed. R. Civ. P. 10(b) requirements).

The district court did not abuse its discretion by denying Bertinelli's motion for reconsideration because Bertanelli failed to establish a basis for such relief. *See D. Ariz. Loc. R. 7.2(g)(1)* (setting forth grounds for reconsideration); *Hilton v. Pac. Enters.*, 5 F.3d 391, 395 (9th Cir. 1993) (reviewing application of local rules for an abuse of discretion); *see also 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 under Fed. R. Civ. P. 60(b)).

Bertanelli's contentions that the court failed to construe liberally his First Amended Complaint, and that he stated a conspiracy claim, are not supported by the record.

**AFFIRMED.**