

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 1 2014

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

ANDREW STRICK,

Plaintiff - Appellant,

v.

DOUG PITTS; et al.,

Defendants - Appellees.

No. 12-35918

D.C. No. 3:11-cv-05110-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Former Washington state prisoner Andrew Strick appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from his arrest and subsequent incarceration for violations of his community custody. We have jurisdiction under 28 U.S.C.

* 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 for an abuse of discretion a dismissal for failure to prosecute, *Al-Torki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion by dismissing Strick's action without prejudice for failure to prosecute in light of Strick's failure to participate in the proceedings, including his failure to respond to defendants' proposed joint status report and the district court's order to show cause why the action should not be dismissed for failure to prosecute. *See id.* at 1384-85 (discussing factors to guide the court's decision whether to dismiss for failure to prosecute); *see also Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002) (noting dismissal will be disturbed only if there is "a definite and firm conviction that the court below committed a clear error of judgment" (citation and internal quotation marks omitted)).

AFFIRMED.