FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HULEN T. HARRELL, Plaintiff - Appellant, v. STATE OF CALIFORNIA; et al., Defendants - Appellees.	No. 13-17379 D.C. No. 5:13-cv-01351-RMW MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Hulen T. Harrell appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to comply with a court order to amend his complaint. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We

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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).

affirm.

The district court did not abuse its discretion by dismissing Harrell's action without prejudice because Harrell failed to comply with the court's order to amend his complaint. *See id*. at 642-43 (discussing factors relevant to a dismissal for failure to comply with a court order, and affirming dismissal where three out of five factors supported it).

We reject Harrell's contentions that the district court improperly dismissed his complaint and that the district court improperly denied his motion for recusal.

Harrell's motion to file a supplemental brief, set forth in his opening brief, is denied as moot because the supplemental brief was filed on June 4, 2014.

AFFIRMED.