

DEC 3 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JERRY A. BRENDEN,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>LORI CARLSON; et al.,</p> <p>Defendants - Appellees.</p>
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No. 13-35034

D.C. No. 2:12-cv-00872-JLR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Jerry A. Brenden appeals pro se from the district court’s judgment dismissing his action against his former employer. We review for an abuse of discretion a dismissal for failure to comply with an order to amend the complaint to comply with Federal Rule of Civil Procedure 8, *McHenry v. Renne*, 84 F.3d 1172,

* 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).

1177 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion by dismissing Brenden's action with prejudice because, despite being given an opportunity to amend, Brenden's operative first amended complaint did not comply with Rule 8, and Brenden failed either to respond to the district court's order to show cause with a second amended complaint that complied with Rule 8, or to explain why his action should not be dismissed. *See id.* (affirming dismissal where the plaintiff failed to amend the complaint in compliance with Rule 8); *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 673 (9th Cir. 1981) (a complaint which fails to comply with Rule 8 may be dismissed with prejudice under Rule 41(b)).

All pending motions are denied as moot.

AFFIRMED.