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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEARY TURNER, Plaintiff - Appellant, v. C. Y. TAMPKINS, Warden, Responsible official of defendants #2 & #3, sued in her individual and official capacities; et al., Defendants - Appellees.	No. 13-56713 D.C. No. 5:13-cv-00563-DMG-PJW MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Geary Turner, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various federal claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

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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).

discretion a dismissal for failure to prosecute. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion in dismissing Turner's action without prejudice for failure to prosecute after Turner failed to file an amended complaint as ordered by the district court. *See id*. at 642-43 (discussing five factors to consider before dismissing an action for failure to prosecute); *see also Ash v. Cvetkov*, 739 F.2d 493, 497 (9th Cir. 1984) (explaining that "[a] relatively brief period of delay is sufficient to justify" a dismissal without prejudice for failure to prosecute).

AFFIRMED.