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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PERCY ANDERSON, Sr.,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>COUNTY OF SAN DIEGO; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 13-56317

D.C. No. 3:10-cv-00705-CAB-MDD

MEMORANDUM\*

<p>PERCY ANDERSON, Sr.,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>HEALTH &amp; HUMAN SERVICES AGENCY, San Diego; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 13-56320

D.C. No. 3:13-cv-00043-CAB-MDD

<p>PERCY ANDERSON, Sr.,</p>
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No. 13-56323

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Plaintiff - Appellant,

v.

DISTRICT ATTORNEY'S OFFICE; et  
al.,

Defendants - Appellees.

D.C. No. 3:11-cv-00572-CAB-  
MDD

Appeal from the United States District Court  
for the Southern District of California  
Cathy Ann Bencivengo, District Judge, Presiding

Submitted November 18, 2015\*\*

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

In these consolidated appeals, Percy Anderson, Sr., appeals pro se from the district court's judgment dismissing his actions alleging federal and state law violations arising out of the removal of his children from his home. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's dismissal for failure to prosecute. *Allen v. Calderon*, 408 F.3d 1150, 1152 (9th Cir. 2005). We affirm.

The district court did not abuse its discretion in dismissing Anderson's cases without prejudice for failure to prosecute after Anderson failed to oppose

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\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dispositive motions, to appear at hearings, and to provide sufficient evidence showing incompetence during litigation, despite having had multiple opportunities to do so. *See Krain v. Smallwood*, 880 F.2d 1119, 1121 (9th Cir. 1989) (where a “substantial question exists regarding the competence of an unrepresented party,” “[t]he district court has discretion to dismiss the cases without prejudice”); *Ash v. Cvetkov*, 739 F.2d 493, 496-97 (9th Cir. 1984) (setting forth factors for evaluating dismissal for failure to prosecute).

**AFFIRMED.**