

MAR 24 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM M. BRYSON, Jr.,

Plaintiff - Appellant,

v.

EXECUTIVE OFFICE FOR UNITED
STATES ATTORNEYS,

Defendant - Appellee.

No. 15-15693

D.C. No. 1:13-cv-01979-LJO-MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted March 15, 2016**

Before: GOODWIN, LEAVY, and CHRISTEN, Circuit Judges.

William M. Bryson, Jr., a federal prisoner, appeals pro se from the district court's judgment dismissing his Freedom of Information Act action without prejudice for failure to comply with a court order. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review for an abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion in dismissing Bryson's action after Bryson failed to respond to an order to show cause regarding missing service documents, despite being warned that failure to comply with the order to show cause would result in dismissal of his action. *See id.* at 1260-61 (setting forth factors to consider before dismissing an action for failure to comply with a court order).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.