

APR 19 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEVIN POPE,

Plaintiff - Appellant,

v.

JACK PALMER; et al.,

Defendants - Appellees.

No. 14-17273

D.C. No. 3:13-cv-00357-MMD-
VPC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Nevada state prisoner Kevin Pope 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 discretion a district court's dismissal for failure to comply with Federal Rule of

* 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).

Civil Procedure 8. *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981). We affirm.

The district court did not abuse its discretion by dismissing Pope’s action without prejudice because, after being warned of the possibility of dismissal, Pope failed to comply with Rule 8(a)’s requirement of a short and plain statement of the claims. *See* Fed. R. Civ. P. 8(a); *see also* *McHenry v. Renne*, 84 F.3d 1172, 1179-80 (9th Cir. 1996) (affirming a dismissal under Rule 8, and recognizing that “[p]rolix, confusing complaints . . . impose unfair burdens on litigants and judges”).

The district court did not abuse its discretion by denying Pope’s motion for reconsideration because Pope failed to demonstrate any grounds for relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and explaining grounds warranting reconsideration).

The district court did not abuse its discretion by denying Pope’s motion for appointment of counsel because Pope failed to demonstrate exceptional circumstances. *See Cano v. Taylor*, 739 F.3d 1214, 1218 (9th Cir. 2014) (setting forth standard of review and requirements for appointment of counsel).

We reject as unsupported Pope’s arguments that the district court erred by

denying him an increase in the copywork limit, and concluding it lacked jurisdiction over the motions Pope filed after the notice of appeal.

AFFIRMED.