

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 4 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROBERT ABELL; LISA J. ABELL,

Plaintiffs-Appellants,

v.

SUSE DODSON; JOE RUIZ,

Defendants-Appellees.

No. 14-56716

D.C. No. 8:14-cv-00828-DOC-
JCG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted September 27, 2016**

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Robert Abell and Lisa J. Abell appeal pro se from the district court's judgment dismissing their action alleging forgery in connection with four tax lien notices. We have jurisdiction under 28 U.S.C. §1291. We review for an abuse of discretion the district court's dismissal of an action for failure to prosecute.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Ferdik v. Bonzelet, 963 F.3d 1258, 1260 (9th Cir. 1992). We affirm.

The Abells fail to challenge the district court’s dismissal of their action for failure to prosecute, and have therefore waived any such challenge. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant . . .”).

Even if the Abells had not waived their challenge, the district court did not abuse its discretion in dismissing the Abells’ action for failure to prosecute because the Abells failed to file an amended complaint despite receiving an extension of time to do so and being warned of the consequences of failing to file it. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing the five factors for determining whether to dismiss for failure to prosecute).

AFFIRMED.