

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 6 2016

FOR THE NINTH CIRCUIT

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

LAWRENCE HICKMAN,

Plaintiff-Appellant,

v.

DOUGLAS HAMBLETON; et al.,

Defendants-Appellees.

No. 14-17524

D.C. No. 3:11-cv-04395-EDL

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Elizabeth D. Laporte, Magistrate Judge, Presiding**

Submitted September 27, 2016***

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

Lawrence Hickman appeals pro se from the district court's order dismissing his 42 U.S.C § 1983 action alleging federal and state law claims. We have

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

jurisdiction under 28 U.S.C. §1291. We review for an abuse of discretion a dismissal for failure to prosecute. *Al-Torki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by dismissing Hickman’s action after Hickman failed to comply with court orders and a binding stipulation to arbitrate, despite being warned that failure to comply would result in dismissal. *See id.* (discussing factors to be considered before dismissing a case for failure to prosecute). Because we affirm the district court’s dismissal of Hickman’s action for failure to prosecute, we do not consider his challenges to the district court’s interlocutory orders. *See id.* at 1386 (“[I]nterlocutory orders, generally appealable after final judgment, are not appealable after a dismissal for failure to prosecute, whether the failure to prosecute is purposeful or is a result of negligence or mistake.” (citation and internal quotation marks omitted)).

AFFIRMED.