

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 18 2017

FOR THE NINTH CIRCUIT

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

MAHMOOD YOONESSI,

No. 16-56374

Plaintiff-Appellant,

D.C. No. 2:15-cv-09329-SVW-
AJW

v.

ANDRE KHANSARI, LACBA; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Mahmood Yoonessi appeals pro se from the district court's judgment dismissing for failure to prosecute his action alleging federal and state law claims.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal under Fed. R. Civ. P. 41(b). *Ferdik v. Bonzelet*, 963 F.2d

* 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).

1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing Yoonesi's action with prejudice after weighing the pertinent factors and evaluating alternatives to dismissal. *See id.* at 1260-63 (setting forth factors for determining whether a pro se action should be dismissed under Fed. R. Civ. P. 41(b)).

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

Defendant Prudential Mortgage Capital Company, Now Known As PGIM Real Estate Finance, LLC.'s pending motion (Docket Entry No. 7) is granted.

Defendants Citibank TIAA and David Howerton's pending motion (Docket Entry No. 17) is granted.

Yoonesi's motion for leave to file a late reply brief (Docket Entry No. 39) is granted. The Clerk shall file the reply brief submitted at Docket Entry No. 41.

Yoonesi's remaining pending motions (Docket Entry Nos. 6, 40, and 42) are denied.

AFFIRMED.