

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 16 2017

FOR THE NINTH CIRCUIT

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

JOHN TURNER,

Plaintiff-Appellant,

v.

HIGH DESERT STATE PRISON; et al.,

Defendants-Appellees.

No. 16-16574

D.C. No. 2:13-cv-01740-JAD-VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted August 9, 2017**

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

John Turner, a Nevada state prisoner, appeals pro se from the district court's order denying his motion for relief from judgment following the dismissal of his 42 U.S.C. § 1983 action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223 (9th

* 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).

Cir. 2000), and we affirm.

The district court did not abuse its discretion by denying Turner's motion for relief from judgment under Fed. R. Civ. P. 60(b)(1) because Turner failed to inform the court of his change of address as required by United States District Court District of Nevada Local Rule 2-2, and failed to show excusable neglect. *See id.* at 1223-24 (discussing *Pioneer-Briones* factors to determine whether neglect is excusable).

All pending motions and requests are denied.

AFFIRMED.