

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 5 2017

FOR THE NINTH CIRCUIT

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

LEONARD J. PORTO III,

Plaintiff-Appellant,

v.

JASON FARRIS, Police Officer, individual  
and official capacity; et al.,

Defendants-Appellees.

No. 16-55126

D.C. No. 8:14-cv-01890-DOC-PLA

MEMORANDUM\*

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

Submitted September 26, 2017\*\*

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Leonard J. Porto, III, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to comply with court orders. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion.

*Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We affirm.

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\* 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).

The district court did not abuse its discretion by dismissing Porto's action because Porto failed to comply with the district court's orders instructing him to file an amended complaint comporting with Federal Rule of Civil Procedure 8 and curing the deficiencies identified in its prior screening orders. *See id.* at 642-43 (discussing the five factors for determining whether to dismiss under Fed. R. Civ. P. 41(b) for failure to comply with a court order); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (although dismissal is a harsh penalty, the district court's dismissal should not be disturbed absent "a definite and firm conviction" that it "committed a clear error of judgment" (citations and internal quotation marks omitted)).

We reject as meritless Porto's contentions that the district court erred by screening his in forma pauperis complaints and by resolving his case without discovery.

**AFFIRMED.**