

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 16 2018

FOR THE NINTH CIRCUIT

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

GREGORY DOWNS,

Plaintiff-Appellant,

v.

XAVIER BECERRA, California Attorney
General,

Defendant-Appellee.

No. 15-15157

D.C. No. 2:14-cv-00605-MCE-
CMK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

California state prisoner Gregory Downs appeals pro se from the district court's judgment dismissing for failure to prosecute Downs's action alleging a claim under the Americans with Disabilities Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *James v. Madison Street*

* 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).

Jail, 122 F.3d 27, 27 n.1 (9th Cir. 1997), and affirm.

The district court did not abuse its discretion by dismissing Downs’s action because Downs failed to file an application to proceed in forma pauperis or pay the filing fee by the deadline set by the district court. *See* 28 U.S.C. § 1915(a)(2); *Page v. Torrey*, 201 F.3d 1136, 1139 (9th Cir. 2000) (explaining that the Prison Litigation Reform Act “imposes specific filing requirements on prisoners seeking to file civil actions in forma pauperis” and that these include a submission of “a certified copy of their prisoner trust fund account statement for the previous six months”); *James*, 122 F.3d at 28 (“We conclude that the rule for timely filing applicable to pro se prisoners . . . applies to the filing of trust-account statements as required by § 1915(a)(2).”).

All pending motions and requests are denied.

AFFIRMED.