

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 22 2018

FOR THE NINTH CIRCUIT

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

DERRICK VERNON COLE,

No. 17-56924

Plaintiff-Appellant,

D.C. No. 5:17-cv-00974-JFW-SP

v.

MEMORANDUM*

EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted May 15, 2018**

Before: SILVERMAN, BEA, and WATFORD, Circuit Judges.

Derrick Vernon Cole appeals pro se from the district court's judgment dismissing his action alleging violations of the Fair Debt Collection Practices Act and state law. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's dismissal pursuant to its local rules. *Ghazali*

* 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).

v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). We affirm.

The district court did not abuse its discretion by dismissing Cole's action because Cole did not file an opposition to defendant's motion for judgment on the pleadings, or request an extension of time to do so. *See id.* at 53-54 (discussing factors to guide the court's evaluation of dismissal pursuant to local rules); *see also* C.D. Cal. R. 7-9 (requiring the filing of an opposition or statement of non-opposition to a motion no later than twenty-one days before the scheduled hearing date); C.D. Cal. R. 7-12 (providing that the failure to file a required document may be deemed consent to the granting of the motion); *Harman v. Apfel*, 211 F.3d 1172, 1175 (9th Cir. 2000) ("[T]he decision of a trial court is reversed under the abuse of discretion standard only when the appellate court is convinced firmly that the reviewed decision lies beyond the pale of reasonable justification under the circumstances.").

In light of our disposition, we do not consider the merits of Cole's claims.

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).

AFFIRMED.