**NOT FOR PUBLICATION**

FILED

SEP 19 2018

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| WILLIENE D. DAVIS; WILLETTE D. JACOBS,<br><br>Plaintiffs-Appellants,<br><br>v.<br><br>STATE OF CALIFORNIA; SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO CLERK'S OFFICE, a state agency,<br><br>Defendants-Appellees. | No. 18-15804<br><br>D.C. No. 2:05-cv-01723-MCE-GGH<br><br>MEMORANDUM* |

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

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Williene D. Davis and Willette D. Jacobs appeal pro se from the district court's order striking their motion to reopen the case. We have jurisdiction under

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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).

28 U.S.C. § 1291. We review for an abuse of discretion. *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 403-04 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion in striking plaintiffs' post-judgment motion to reopen because plaintiffs' motion was filed twelve years after the case was closed and the district court warned plaintiffs that no additional filings would be accepted. *See id.* at 404 (district courts have inherent power to control their docket, including power to strike items from the docket).

We lack jurisdiction to review the district court's March 8, 2006 judgment because plaintiffs failed to file a timely notice of appeal as to the judgment. *See* Fed. R. App. P. 4(a)(1)(A), (a)(4)(A)(vi) (notice of appeal must be filed within 30 days after entry of judgment or order appealed from; Rule 60(b) motion must be filed within 28 days of judgment to have tolling effect); *Stephanie-Cardona LLC v. Smith's Food & Drug Ctrs., Inc.*, 476 F.3d 701, 703 (9th Cir. 2007) ("A timely notice of appeal is a non-waivable jurisdictional requirement.").

**AFFIRMED.**