

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 26 2020

FOR THE NINTH CIRCUIT

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

LUIS OSOLLO,

Plaintiff-Appellant,

v.

LINDA DARLING-HAMMOND; et al.,

Defendants-Appellees.

No. 18-56018

D.C. No.

2:16-cv-03045-SJO-SHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted February 24, 2020**

Before: FARRIS, TROTT, and SILVERMAN, Circuit Judges.

Luis Osollo appeals pro se the district court's dismissal of his civil rights action arising from Los Angeles Unified School District's ("LAUSD") termination of his employment as substitute high school teacher and subsequent proceedings to suspend his California teacher's credential. The district court dismissed the action

* 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).

pursuant to Federal Rule of Civil Procedure 41(b) and alternatively for failure to state a claim pursuant to Rule 12(b)(6). We review the district court's decision whether to dismiss pursuant to Rule 41(b) for an abuse of discretion. *Tillman v. Tillman*, 825 F.3d 1069, 1074 (9th Cir. 2016). We affirm the district court's judgment.

In light of Osollo's repeated failure to comply with the district court's orders to file a complaint that included a short and plain statement of claims, as required by Rule 8(a), despite the fact that he is an attorney, the district court properly exercised its discretion in dismissing the action with prejudice. *See* Fed. R. Civ. P. 41(b) (providing for dismissal when a plaintiff fails to comply with the Federal Rules of Civil Procedure or court orders); *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (setting forth factors to be weighed).

AFFIRMED.