

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 15 2020

FOR THE NINTH CIRCUIT

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

PETER STROJNIK, Sr.,

No. 19-55310

Plaintiff-Appellant,

D.C. No. 2:19-cv-00066-JLS-AGR

v.

MEMORANDUM*

SINGPOLI GROUP, LLC, DBA DusitD2
Hotel Constance Pasadena,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted April 7, 2020**

Before: TASHIMA, BYBEE, and WATFORD, Circuit Judges.

Peter Strojnik, Sr. appeals pro se from the district court's order dismissing for failure to comply with court orders his action alleging violations of the Americans with Disabilities Act ("ADA") and state law. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal under

* 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).

Federal Rule of Civil Procedure 41(b). *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion by dismissing Strojnik's action with prejudice because despite two opportunities to comply with the court's orders to serve the ADA packet on the defendant, Strojnik failed to serve the ADA packet on the defendant. *See id.* at 1260-63 (setting forth factors for determining whether a pro se action should be dismissed under Rule 41(b) and requiring "a definite and firm conviction" that the trial court "committed a clear error of judgment" in order to overturn such a dismissal (citation and internal citation marks omitted)).

AFFIRMED.