

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 5 2020

FOR THE NINTH CIRCUIT

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

JEHAN ZEB MIR, M.D.,

No. 18-56543

Plaintiff-Appellant,

D.C. No. 2:14-cv-01191-RGK-PJW

v.

MEMORANDUM*

CITY OF TORRANCE; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

Jehan Zeb Mir, M.D. appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with a court order to comply with Federal Rule of

* 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).

Civil Procedure 8. *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by dismissing Mir's action because Mir failed to comply with Rule 8 despite multiple warnings and instructions regarding the federal pleading requirements. *See* Fed. R. Civ. P. 8(a); *McHenry*, 84 F.3d at 1178 (complaint does not comply with Rule 8 if "one cannot determine from the complaint who is being sued, for what relief, and on what theory"); *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981) (dismissal under Rule 8 was proper where the complaint was "confusing and conclusory").

The district court did not abuse its discretion by denying further leave to amend the complaint because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend may be denied when amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) ("[T]he district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint." (citation and internal quotation marks omitted)).

Mir's motion requesting that his motion to transfer his appeal be decided by an "independent panel" (Docket Entry No. 47) is denied. Mir's motion to transfer

his appeal (Docket Entry No. 45) is denied.

Iungerich & Spackman, Paul Spackman, and Russell Iungerich's request for attorney's fees and costs, set forth in their answering brief, is denied without prejudice to refiling in compliance with Federal Rule of Appellate Procedure 39 and Ninth Circuit Rule 39-1.

All other pending motions and requests are denied.

AFFIRMED.