

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2021

FOR THE NINTH CIRCUIT

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

VERNON DECK,

No. 19-16370

Plaintiff-Appellant,

D.C. No. 2:17-cv-00234-MCE-KJN

v.

MEMORANDUM*

WELLS FARGO BANK, N.A., National
Association, as Trustee for Option One
Mortgage Loan Trust 2003-1, Asset-Backed
Certificates, Series 2003-1; et al.,

Defendants-Appellees.

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

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Vernon Deck appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review for an

* 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).

abuse of discretion a district court's dismissal of an action for failure to comply with the court's orders, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing Deck's action after providing Deck with several opportunities to file an amended complaint that complied with the district court's orders, as well as this court's memorandum disposition in Case No. 17-16680, and several warnings that failure to file such a complaint would result in dismissal with prejudice. *See* Fed. R. Civ. P. 41(b) (failure to comply with a court order may be grounds for dismissal with prejudice as sanction); *Ferdik*, 963 F.2d at 1260-63 (setting forth factors the district court must consider in dismissing a case for failure to comply with a court order).

We reject as without merit Deck's contention that the district court judge or the magistrate judge were biased against him.

Deck's request for appointment of counsel, set forth in the opening brief, is denied.

All other pending motions or requests are denied as moot.

AFFIRMED.