

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 26 2021

FOR THE NINTH CIRCUIT

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

ALFRED SPINNEY KELIIHULUHULU,

No. 19-17342

Plaintiff-Appellant,

D.C. No. 1:19-cv-00417-LEK-WRP

and

MEMORANDUM*

LORNA PIKAKE SPINNEY,

Intervenor-Plaintiff,

v.

NORMAN A. KEANAAINA; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Hawaii
Leslie E. Kobayashi, District Judge, Presiding

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

Alfred Spinney Keliuhuluhulu appeals pro se from the district court's

* 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).

judgment dismissing for failure to comply with a court order his action challenging the use and sale of a property easement. 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. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion by dismissing Keliihuluhulu's action after Keliihuluhulu failed to comply with the district court's order, despite being warned that failure to comply would result in dismissal. *See id.* at 642-43 (discussing the five factors for determining whether to dismiss for failure to comply with a court order and noting that dismissal should not be disturbed absent "a definite and firm conviction" that the district court "committed a clear error of judgment" (citation and internal quotation marks omitted)).

AFFIRMED.