

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 3 2023

FOR THE NINTH CIRCUIT

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

DOCTOR CHRISTIAN R. KOMOR,

No. 22-15851

Plaintiff-Appellant,

D.C. No. 4:22-cv-00077-SHR

v.

MEMORANDUM*

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Scott H. Rash, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Christian R. Komor appeals pro se from the district court's order dismissing with prejudice his action alleging that government officials violated his constitutional rights by failing to address climate change. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's sua

* 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).

sponte dismissal of a complaint based on a failure to comply with a court order. *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). We affirm.

Because the district court's finding that Komor filed this action in order to evade the court order staying his prior action was not clearly erroneous, the district court did not abuse its discretion by dismissing Komor's action for failure to comply with the stay order. *See Hernandez v. City of El Monte*, 138 F.3d 393, 398-99 (9th Cir. 1998) (applying clear error to district court's finding of plaintiff's motive for filing multiple actions; discussing factors a district court should consider before dismissing a complaint for failure to comply with a court order and explaining that this court reviews the record independently if the district court does not explicitly consider them).

The district court did not abuse its discretion by denying Komor's motion to recuse because Komor's contention that the district court was biased was speculative. *See United States v. McTiernan*, 695 F.3d 882, 891-92 (9th Cir. 2012) (setting forth standard of review).

We reject as without merit and unsupported by the record Komor's contention that the district court should have granted his request for entry of default.

All pending motions are denied.

AFFIRMED.