

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2023

FOR THE NINTH CIRCUIT

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

JERRY WAYNE YOUNG,

No. 22-16496

Plaintiff-Appellant,

D.C. No. 2:22-cv-00055-DAD-CKD

v.

MEMORANDUM*

PATRICK COVELLO; E. SACKETT; R.
DENNISTAN; WOOLBRIGHT, Sgt.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

California state prisoner Jerry Wayne Young appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging Fourteenth Amendment 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 amend

* 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).

the complaint. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). We affirm.

The district court did not abuse its discretion in dismissing without prejudice Young's action because Young failed to file an amended complaint despite being warned that failure to do so would result in dismissal. *See* Fed. R. Civ. P. 41(b) (district court may dismiss an action "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order"); *Ferdik*, 963 F.2d at 1260-62 (setting forth factors for determining whether an action should be dismissed for failure to comply with a court order and noting that this court may review the record independently to determine if the district court abused its discretion).

AFFIRMED.