

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 23 2024

FOR THE NINTH CIRCUIT

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

FREDERICK LUEHRING,

Plaintiff - Appellant,

v.

COUNTY OF LOS ANGELES; DETAIL  
2601; LOS ANGELES OFFICE OF THE  
DISTRICT ATTORNEY; DOES; LOS  
ANGELES COUNTY SHERIFF'S  
DEPARTMENT; LOHNNIE DAY; ADAM  
STROLL; TIM HOUSER; BRIAN  
BANKS,

Defendants - Appellees.

No. 23-1521

D.C. No. 2:21-cv-01426-GW-SHK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
George H. Wu, District Judge, Presiding

Submitted December 17, 2024\*\*

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

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\* 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).

Frederick Luehring appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising out of an arrest. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal under Federal Rule of Civil Procedure 41(b). *Applied Underwriters, Inc. v. Lichtenegger*, 913 F.3d 884, 890 (9th Cir. 2019). We affirm.

The district court did not abuse its discretion by dismissing Luehring's action because Luehring failed to comply with court orders to serve the complaint and to show cause regarding service, despite the district court's warning that failure to serve the complaint or file some other document showing diligent prosecution 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”); *Pagtalunan v. Galaza*, 291 F.3d 639, 640-43 (9th Cir. 2002) (discussing factors to be considered before dismissing a case for failure to comply with a court order; a district court's dismissal should not be disturbed absent “a definite and firm conviction” that it “committed a clear error of judgment” (citations and internal quotation marks omitted)).

We reject as unsupported by the record Luehring's contention that the district court disregarded a response to the order to show cause.

Luehring's requests for judicial notice, set forth in the opening brief, are

denied.

**AFFIRMED.**