

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 28 2025

FOR THE NINTH CIRCUIT

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

CHRISTIAN ALLEN ALVARADO,

Plaintiff - Appellant,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT; DOES, 1-5 inclusive,

Defendants - Appellees.

No. 23-3249

D.C. No. 2:22-cv-01591-SSS-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Sunshine Suzanne Sykes, District Judge, Presiding

Submitted April 22, 2025**

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

Christian Allen Alvarado appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* 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).

discretion a dismissal for failure to prosecute and comply with court orders.

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

The district court did not abuse its discretion by dismissing Alvarado's action because Alvarado failed to comply with the district court's orders to amend the complaint or respond to the order to show cause despite being warned that failure to do so would result in dismissal. *See id.* at 1260-61 (setting forth factors to consider in determining whether to dismiss under Fed. R. Civ. P. 41(b) for failure to comply with a court order); *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986) (discussing factors to be considered before dismissing a case as a sanction under a district court's inherent power to control its docket).

We do not consider Alvarado's contentions concerning the underlying merits of this action. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996) (holding that interlocutory orders are not appealable after a dismissal for failure to prosecute, whether the failure to prosecute is purposeful or a result of negligence or mistake).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.