

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2025

FOR THE NINTH CIRCUIT

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

DERRICK SPEARS,

Plaintiff - Appellant,

v.

BALDWIN PARK UNIFIED SCHOOL
DISTRICT; VERONICA
VALENZUELA; JEFF PALMER,

Defendants - Appellees,

and

BALDWIN PARK UNIFIED SCHOOL
DISTRICT ADULT AND COMMUNITY
EDUCATION,

Defendant.

No. 24-1428

D.C. No.

2:22-cv-05950-WLH-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Wesley L. Hsu, District Judge, Presiding

Submitted July 14, 2025**

* 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).

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

Derrick Spears appeals pro se from the district court's judgment dismissing his employment action alleging discrimination claims under federal law. We have jurisdiction under 28 U.S.C. § 1291. We review a district court's dismissal for failure to comply with local rules for abuse of discretion. *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (per curiam). We affirm.

The district court did not abuse its discretion by dismissing Spears' action because Spears failed to respond to Baldwin Park Adult School's ("the School's") Motion to Dismiss and filed a non-responsive and untimely Second Amended Complaint. Spears' failure to respond to the School's Motion to Dismiss is deemed his consent to the granting of the motion. *See* C.D. Cal. L.R. 7-12 ("The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion[.]"); *see also Ghazali*, 46 F.3d at 53–54 (affirming lower court's order granting an unopposed motion to dismiss under local rule by a pro se litigant who failed to oppose the motion); *see also id* (listing factors to be considered before dismissing an action for failure to comply with a local rule). Even though the court must liberally construe pleadings filed by pro se parties, "pro se litigants are bound by the rules of procedure." *Id.* at 54.

AFFIRMED.