

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2025

FOR THE NINTH CIRCUIT

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

RODRIGO BENITEZ,

Plaintiff - Appellant,

v.

JOHN PHELAN, Secretary of the Navy,

Defendant - Appellee.

No. 24-1311

D.C. No. 3:23-cv-01242-AGS-BGS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Andrew George Schopler, District Judge, Presiding

Submitted November 12, 2025**

Before: SCHROEDER, RAWLINSON, and NGUYEN, Circuit Judges.

Rodrigo Benitez appeals pro se from the district court's judgment dismissing his employment action alleging federal 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. *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir.

* 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).

2002). We affirm.

The district court did not abuse its discretion in dismissing Benitez's action because Benitez failed to comply with the district court's orders to file an amended complaint and serve defendant despite being warned that failure to do so would result in dismissal. *See id.* at 640-43 (discussing factors to be considered before dismissing a case for failure to comply with a court order and explaining that such a dismissal should not be disturbed absent "a definite and firm conviction" that the district court "committed a clear error of judgment" (citation and internal quotation marks omitted)); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (explaining that this court may review the record independently if the district court does not make explicit findings to show its consideration of the factors).

AFFIRMED.