

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2026

FOR THE NINTH CIRCUIT

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

KASEY CARROLL,

Plaintiff - Appellant,

v.

S. CORSARO, Police Officer; FAC ECF #6; AGENT OF THE STATE, Psychologist; EXPERT WITNESS, Agent of the State; Psychologist; D. ALATORRE, Police Officer; FAC ECF #6; JOHN PAOLINI, Psychologist; FAC ECF #6; LIA ROLEY, Psychologist; FAC ECF #6; MARK BRATTIN, Psychologist; FAC ECF #6; MELINDA STEPHENS, FAC ECF #6; CHRISTY CRAIG, AC ECF #12; ARLENE HESHMATI, AC ECF #12; STATE OF NEVADA,

Defendants - Appellees.

No. 24-7513

D.C. No. 2:24-cv-01348-CDS-EJY

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Cristina D. Silva, District Judge, Presiding

Submitted March 16, 2026**

* 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: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

The motion (Docket Entry No. 9) to proceed in forma pauperis is granted.

Kasey Carroll appeals pro se from the district court's order dismissing for failure to comply with court orders his 42 U.S.C. § 1983 action alleging constitutional claims. 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). *Altorki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion in dismissing Carroll's action without prejudice after Carroll failed to comply with the district court's orders or object to the magistrate judge's report and recommendation. *See* Fed. R. Civ. P. 41(b) (a 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 prosecute or failure to comply with a court order); *see also* *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (explaining that the district court is not required to review the magistrate judge's factual or legal conclusions when no party objects); *Bastidas v. Chappell*, 791 F.3d 1155, 1159 (9th Cir. 2015) (setting forth this court's standard for reviewing "matters in a magistrate judge's report and recommendation to which a party fails to object before the district court").

To the extent Carroll challenges the district court's interlocutory orders, we

do not consider those challenges. *See Al-Torki*, 78 F.3d at 1386 (“[I]nterlocutory orders, generally appealable after final judgment, are not appealable after a dismissal for failure to prosecute, whether the failure to prosecute is purposeful or is a result of negligence or mistake.” (citation and internal quotation marks omitted)).

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).

All other pending motions are denied.

AFFIRMED.