

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 31 2026

FOR THE NINTH CIRCUIT

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

CHARLES E. WILLIAMS; A&W
DEVELOPMENT CO. INC.,

Plaintiffs - Appellants,

v.

CITY OF LOS ANGELES, a municipal
corporation; TYSON HAMOKA, City of
Los Angeles Police Department Officer,
individual and official capacity;
MATTHEW LUM; DOES, 1-10 inclusive,

Defendants - Appellees.

No. 25-174

D.C. No. 2:23-cv-06881-MRA-E

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Monica Ramirez Almadani, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

* 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).

Charles E. Williams and A&W Development Co. Inc. appeal from the district court's order dismissing their 42 U.S.C. § 1983 action alleging federal and state law claims arising from the issuance of a conditional use permit on their motel. 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 plaintiffs' action because plaintiffs failed to comply with the district court's order to file a brief addressing whether the court should grant further leave to amend. *See* Fed. R. Civ. P. 41(b) (permitting dismissal of an action "[i]f the plaintiff fails to prosecute or to comply with . . . a court order"); *Pagtalunan v. Galaza*, 291 F.3d 639, 640, 642-43 (9th Cir. 2002) (discussing factors to be considered before dismissing a case for failure to comply with a court order; noting that a district court's dismissal should not be disturbed absent "a definite and firm conviction" that it "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); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (explaining that a district court may dismiss sua sponte under Rule 41(b)).

In light of our disposition, we do not consider plaintiffs' challenges to the district court's orders granting defendants' motions to dismiss. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996) (holding that where dismissal was a sanction, interlocutory orders are not appealable).

AFFIRMED.