

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

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

RODNEY JEROME WOMACK,

Plaintiff - Appellant,

v.

H. TATE, Doctor; Z. TAYLOR, Nurse; S.
SHIESHA, Chief Medical Executive; S.
GATES, Chief Appeals Branch Reviewer,

Defendants - Appellees.

No. 24-7734

D.C. No. 1:19-cv-00614-KES-CDB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kirk Edward Sherriff, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

California state prisoner Rodney Jerome Womack appeals pro se from the district court's judgment dismissing for failure to prosecute and comply with court orders his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious

* 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).

medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Thompson v. Hous. Auth. of Los Angeles*, 782 F.2d 829, 831-32 (9th Cir. 1986). We affirm.

The district court did not abuse its discretion by dismissing Womack's action because Womack failed to comply with a court order to provide supplemental responses to defendant's discovery despite being repeatedly warned that failure to comply with court orders would result in a dismissal. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (setting forth factors for determining whether an action should be dismissed as a sanction for failure to prosecute or comply with a court order).

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

We treat the motion (Docket Entry No. 7) to file a "supplemental complaint" as a motion to file a supplemental opening brief and grant the motion.

AFFIRMED.