NOT FOR PUBLICATION

FILED

OCT 27 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERENCE D. DAVIS,

Plaintiff - Appellant,

v.

GENERAL ATOMICS; GENERAL ATOMICS AERONAUTICAL SYSTEMS, INC.; ONSLOW BAY FINANCIAL, LLC; COOPER; NATIONSTAR MORTGAGE, LLC; DOES,

Defendants - Appellees.

No. 26-4015

D.C. No. 2:25-cv-09430-WLH-JDE

MEMORANDUM*

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

Submitted October 27, 2026**

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

The motion (Docket Entry No. 10) to proceed in forma pauperis is granted.

Terence D. Davis appeals pro se from the district court's order dismissing

* 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).

his employment discrimination action. 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) for failure to comply with a court order. *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006). We affirm.

The district court did not abuse its discretion in dismissing Davis's action because Davis failed to comply with the court's order to show cause why his action was not barred by res judicata or collateral estoppel. *See* Fed. R. Civ. P. 41(b) (permitting dismissal "[i]f the plaintiff fails to prosecute or to comply with . . . a court order"); *In re PPA Prods. Liab. Litig.*, 460 F.3d at 1226 (setting forth factors for determining whether to dismiss for failure to comply with a court order); *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)).

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 and requests are denied.

AFFIRMED.