

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 23 2013

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

THEODORE J. THOMPSON,

Plaintiff - Appellant,

v.

UNIVERSITY MEDICAL CENTER; et  
al.,

Defendants - Appellees.

No. 11-15483

D.C. No. 2:07-cv-01378-RLH-  
PAL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, District Judge, Presiding

Submitted May 14, 2013\*\*

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Theodore J. Thompson appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his medical needs.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion the imposition of discovery sanctions. *Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007). We affirm.

The district court did not abuse its discretion by imposing terminating sanctions under Fed. R. Civ. P. 37(b)(2) based on Thompson's willful and repeated violations of the court's discovery orders after the court repeatedly warned Thompson of the possibility of terminating sanctions. *See id.* (discussing factors for evaluating terminating sanctions); *Jorgensen v. Cassidy*, 320 F.3d 906, 912 (9th Cir. 2003) (noting that "[d]isobedient conduct not shown to be outside the control of the litigant is sufficient to demonstrate willfulness," and that district court's finding of willfulness is reviewed for clear error).

Thompson's contentions that the district court failed to consider his proposed third amended complaint prior to dismissal, his deposition failed to comply with the requirements of 7 C.F.R. § 1.148, the district court held him to an improper standard, and the district court erred in dismissing all claims against all defendants, are unpersuasive.

**AFFIRMED.**