

MAY 29 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD E. LEE,

Plaintiff - Appellant,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT; et al.,

Defendants - Appellees.

No. 12-55892

D.C. No. 2:09-cv-03067-AHM-
AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
A. Howard Matz, District Judge, Presiding

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Richard E. Lee appeals pro se from the district court's judgment dismissing his employment action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to prosecute, *Al-Torki v. Kaempfen*,

* 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).

78 F.3d 1381, 1384 (9th Cir. 1996), and we affirm.

The district court did not abuse its discretion by dismissing Lee's action with prejudice for failure to prosecute in light of Lee's failure to file pretrial documents and appear at the pretrial conference, even after the court previously granted Lee three continuances and warned him that his action would be dismissed with prejudice if he was not ready to go to trial. *See id.* at 1384-85 (discussing factors to guide the court's decision whether to dismiss for failure to prosecute).

Because we affirm the district court's dismissal for failure to prosecute, we do not consider Lee's challenges to the district court's interlocutory orders. *See id.* at 1386 (“[I]nterlocutory orders, generally appealable after final judgment, are not appealable after a dismissal for failure to prosecute[.]”).

AFFIRMED.