

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2016

FOR THE NINTH CIRCUIT

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

ROBERT HENDERSON,

Plaintiff-Appellant,

v.

JP MORGAN CHASE & COMPANY; et
al.,

Defendants-Appellees.

No. 15-55298

D.C. No. 2:14-cv-05960-DDP-
PJW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted November 16, 2016**

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

Robert Henderson appeals pro se from the district court's order dismissing his action alleging fraud and theft in connection with his veteran's benefits. We have jurisdiction under 28 U.S.C. §1291. We review for an abuse of discretion the

* 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).

district court's dismissal of an action for failure to comply with a court order.

Malone v. U.S. Postal Serv., 833 F.3d 128, 130 (9th Cir. 1987). We affirm.

The district court did not abuse its discretion in dismissing Henderson's action because Henderson failed to comply with court-ordered discovery even after the district court warned him that noncompliance could result in dismissal, and granted him three months to show good cause for his noncompliance. *See id.* (setting forth the five factors the district court must consider before dismissing an action for failure to comply with a court order).

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).

AFFIRMED.