

Not for Publication in West's Federal Reporter
United States Court of Appeals
For the First Circuit

No. 07-1936

ANTHONY GULLA,
Plaintiff, Appellant,

v.

KATHLEEN DENNEHY, ET AL.,
Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
[Hon. Richard G. Stearns, U.S. District Judge]

Before

Torruella, Circuit Judge,
Selya, Senior Circuit Judge,
and Lipez, Circuit Judge.

Anthony Gulla on brief pro se.
Daryl F. Glazer, Department of Correction, Legal Division, and
Nancy Ankers White, Special Assistant Attorney General, on brief
for appellees, Kathleen Dennehy, Susan Martin, Luis Spencer and
Christopher Mitchell.
Alexandra M. Jojin, James A. Bello and Morrison Mahoney LLP,
on brief for appellee, Denise Thomas.

March 14, 2008

Per Curiam. Pro se appellant Anthony Gulla appeals from orders dismissing his civil action for want of prosecution and declining to grant his motion to vacate the dismissal order. After careful review of the record and appellate briefs, we affirm.

We conclude that the district court did not abuse its discretion in dismissing the case. Gulla had been given a generous extension of time to prepare his amended complaint, but he failed to timely file it. Instead, he filed a late request for another extension, insisting that it was timely. But the district court had previously stated that "no further extensions" would be granted, and the belated request for additional time was substantively and formally defective. It did not show that an extension of time was justified, and it did not comply with formal prerequisites for motions that had been specified and emphasized in prior court orders. Before dismissing the suit, the court had warned Gulla that his suit would be dismissed if he did not timely file his amended complaint. Under these circumstances, there was no abuse of discretion. See Figueroa Ruiz v. Alegria, 896 F.2d 645, 647 (1st Cir. 1990) (indicating that an action may be dismissed with prejudice for lack of prosecution where a plaintiff has disobeyed the court's orders and ignored its warnings).

We find Gulla's appellate arguments to be unpersuasive. The documents he provides on appeal do not establish that his case

was meritorious and that he was incapacitated during the critical time period.

Affirmed.