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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANTHONY RICHARDO TURNER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>SPENCE, Officer, Badge #346; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-17461

D.C. No. 2:07-cv-00022-GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Gregory G. Hollows, Magistrate Judge, Presiding**

Submitted November 16, 2010***

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

California state prisoner Anthony Richardo Turner appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action for failure to

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to the jurisdiction of the magistrate judge. *See* 28 U.S.C. § 636(c).

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

comply with a court order. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Yourish v. Cal. Amplifier*, 191 F.3d 983, 986 (9th Cir. 1999). We affirm.

The district court did not abuse its discretion when it dismissed Turner's action for failure to comply with its discovery order after it warned that noncompliance could result in dismissal, it granted an extension of time to comply, and Turner failed to oppose defendants' motion to dismiss under Federal Rule of Civil Procedure 41(b). *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing factors that district courts must consider before dismissing under Rule 41(b)).

Turner's remaining contentions are unpersuasive.

Turner's pending motions are denied.

AFFIRMED.