

DEC 04 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BRIAN G. PHILLIPS,

Plaintiff - Appellant,

v.

SALT RIVER POLICE DEPARTMENT;
et al.,

Defendants - Appellees.

No. 13-16158

D.C. No. 2:13-cv-00798-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Brian G. Phillips appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action arising out of an allegedly illegal seizure of his vehicle and personal property. We have jurisdiction under 28 U.S.C. § 1291. We review for

* 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).

an abuse of discretion a district court's dismissal of a later-filed action as duplicative. *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008). We affirm.

The district court did not abuse its discretion in dismissing Phillips's action as duplicative of an earlier-filed action, *Phillips v. Salt River Police Dep't, et al.*, No. 2:13-cv-00758-DGC, because the causes of action, relief sought, and parties are the same in both actions. *See Adams*, 487 F.3d at 689 (in determining whether a later-filed action is duplicative, this court examines "whether the causes of action and relief sought, as well as the parties or privities to the action, are the same").

The district court did not abuse its discretion in denying Phillips's request for extension of time to file his First Amended Complaint because he did not demonstrate good cause. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010) (setting forth standard of review and discussing the requirements for an extension of time under Fed. R. Civ. P. 6(b)).

AFFIRMED.