

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 2 2017

FOR THE NINTH CIRCUIT

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

RAPHEAL G. RUSSELL,

Plaintiff-Appellant,

v.

TODD PACIFIC/VIGOR INDUSTRIES,

Defendant-Appellee.

No. 14-36080

D.C. No. 2:13-cv-01743-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Rapheal G. Russell appeals pro se from the district court's judgment dismissing for failure to prosecute his action alleging employment related claims.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Al-Torki v. Kaempfen*, 78 F.3d 1381, 1384 (9th Cir. 1996). We affirm.

* 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).

The district court did not abuse its discretion in dismissing Russell’s action after Russell repeatedly failed to submit to a deposition despite being warned by the court that non-compliance would result in dismissal. *See id.* (discussing factors to be considered before dismissing a case for failure to prosecute); *see also Moneymaker v. CoBen (In re Eisen)*, 31 F.3d 1447, 1451 (9th Cir. 1994) (“A reviewing court will give deference to the district court to decide what is unreasonable because it is in the best position to determine what period of delay can be endured before its docket becomes unmanageable” (citations omitted)).

AFFIRMED.