

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2023

FOR THE NINTH CIRCUIT

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

MICHAEL T. McLAUGHLIN,

No. 21-15998

Plaintiff-Appellant,

D.C. No. 2:18-cv-01562-GMN-EJY

v.

MEMORANDUM\*

DWAYNE DEAL, OMD administrator;  
MONIQUE HUBBARD-PICKET, CCS III;  
GENTRY; NETHANJAH CHILDERS; JIM  
GIBBONS; HOWARD SKOLNIK; JAMES  
DG. COX; JAMES DZURENDA; NANCY  
FLORES; FRANK DREESEN; HOWELL,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Nevada  
Gloria M. Navarro, District Judge, Presiding

Submitted February 14, 2023\*\*

Before: FERNANDEZ, FRIEDLAND, and H.A. THOMAS, Circuit Judges.

Nevada state prisoner Michael T. McLaughlin appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal

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\* 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).

and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's dismissal on the basis of its local rules.

*Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). We affirm.

The district court did not abuse its discretion by dismissing McLaughlin's action because McLaughlin failed to respond to defendants' motion to dismiss, despite being warned that failure to do so would result in dismissal. *See* D. Nev. R. 7-2(d) ("The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion."); *Ghazali*, 46 F.3d at 53-54 (discussing factors to be considered before dismissing a case for failure to follow local rules).

**AFFIRMED.**