

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2023

FOR THE NINTH CIRCUIT

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

SHIKEB SADDOZAI,

No. 21-16591

Plaintiff-Appellant,

D.C. No. 1:19-cv-01611-DAD-HBK

v.

K. HOSEY, Appeals Coordinator at CCI; M.
BOUTTE, Appeals Coordinator at CCI,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted September 12, 2023**

Before: CANBY, CALLAHAN, and OWENS, Circuit Judges.

California state prisoner Shikeb Saddozai appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to prosecute under Federal Rule of Civil Procedure 41(b). We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Pagtalunan v. Galaza*, 291

* 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).

F.3d 639, 640 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion in dismissing Saddozai's action because Saddozai failed to file a second amended complaint despite the district court granting several extensions of time and allowing Saddozai over one year to do so. *See* Fed. R. Civ. P. 41(b) (a district court may dismiss an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order”); *Pagtalunan*, 291 F.3d at 642-43 (discussing factors that courts must consider in determining whether to dismiss for failure to prosecute or failure to comply with a court order).

Saddozai's motion for appointment of counsel (Docket Entry No. 3) is denied.

Saddozai's motion to proceed in forma pauperis (Docket Entry No. 4) is denied as unnecessary. *See* Fed. R. App. P. 24(a)(3).

AFFIRMED.