

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2023

FOR THE NINTH CIRCUIT

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

MYCHAL ANDRA REED,

No. 22-56097

Plaintiff-Appellant,

D.C. No. 2:12-cv-10727-SB-AS

v.

MEMORANDUM*

CSP LAC; CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION; PAULETTE
FINANDER, Chief M.D. Individual
Capacity and Official Capacity; C.
HUGHES, Lt.: Individual Capacity and
Official Capacity; SAL URIBE, Correctional
Officer: Individual Capacity and Official
Capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Stanley Blumenfeld, Jr., District Judge, Presiding

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

California state prisoner Mychal Andra Reed appeals pro se from the district

* 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).

court's judgment dismissing for failure to prosecute his action brought under 42 U.S.C. § 1983 and the Americans with Disabilities Act ("ADA"). We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion.

Thompson v. Hous. Auth. of L.A., 782 F.2d 829, 832 (9th Cir. 1986). We affirm.

The district court did not abuse its discretion in dismissing Reed's action because the court granted Reed multiple continuances, Reed informed the court that he was ready to proceed to trial, Reed failed to appear for trial and a show cause hearing, and the court had warned Reed that failure to appear could result in dismissal. *See id.* at 831 (discussing factors to be considered before dismissing a case as a sanction under a district court's inherent power to control its docket); *see also Pagtalunan v. Galaza*, 291 F.3d 639, 640-41 (9th Cir. 2002) (a district court's dismissal should not be disturbed absent a "definite and firm conviction" that it "committed a clear error of judgment" (citations and internal quotation marks omitted)).

In light of our disposition, we do not consider Reed's challenge to the district court's interlocutory order dismissing Reed's ADA claims. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996) ("[I]nterlocutory orders, generally appealable after final judgment, are not appealable after a dismissal for failure to prosecute, whether the failure to prosecute is purposeful or is a result of negligence or mistake." (citation and internal quotation marks omitted)).

We reject as unsupported by the record Reed's contentions that the district court violated his due process rights or was biased and prejudiced against him.

AFFIRMED.