

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2023

FOR THE NINTH CIRCUIT

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

ROBERT R. SNYDER,

Plaintiff-Appellant,

v.

KATHLEEN ALLISON, Secretary, CDCR;  
RAYMOND MADDEN, Warden,

Defendants-Appellees.

No. 23-55037

D.C. No. 3:22-cv-00432-MMA-  
WVG

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Michael M. Anello, District Judge, Presiding

Submitted September 12, 2023\*\*

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

California state prisoner Robert R. Snyder appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging Eighth Amendment violations. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to prosecute. *Pagtalunan v.*

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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).

*Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion in dismissing Snyder's action for failure to prosecute where Snyder failed to file a timely amended complaint. *See Pagtalunan*, 291 F.3d at 642-643 (discussing factors a court should consider before dismissing an action for failure to comply with a court order).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**