

JAN 22 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANTHONY T. REYES; et al.,

Plaintiffs - Appellees,

v.

CLINTON L. WATSON,

Defendant - Appellant,

and

ZKARA.COM, an unknown entity; et al.,

Defendants.

No. 06-16451

D.C. No. CV-04-03079-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Clinton L. Watson appeals pro se from the district court's default judgment entered against him in a diversity action filed by Anthony Reyes and others, alleging breach of a partnership agreement and other claims under California law. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986), and we affirm.

To the extent Watson contends the district court abused its discretion by entering a default judgment, the contention fails because the district court warned Watson in six separate orders that his continued failure to obey court orders and comply with discovery rules could, and would result in sanctions, including entry of default against him. *See* Fed. R. Civ. P. 37(b)(2). Further, the record belies Watson's contention that the district court's money award is not supported by the evidence.

To the extent Watson challenges the factual findings, we do not consider those challenges because Watson failed to provide the court with the transcript. *See Syncom Capital Corp. v. Wade*, 924 F.2d 167, 169 (9th Cir. 1991) (per curiam) (dismissing pro se appellant's appeal for failure to provide transcript).

The remaining contentions are unavailing.

Appellee's request for sanctions is denied without prejudice to filing a separate motion. *See* Fed. R. App. P. 38.

AFFIRMED.