

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 14 2009

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

JOHN LOUIS CORRIGAN,

Plaintiff - Appellant,

v.

DARRIN JENKS, King County Sergeant;
et al.,

Defendants.

No. 07-35584

D.C. No. CV-06-01710-MJP

MEMORANDUM *

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted December 17, 2008**

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

John Louis Corrigan appeals pro se from the district court's judgment
dismissing his 42 U.S.C. § 1983 action, without prejudice, for failure to pay the

* 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).

sanctions imposed in a prior case on the same matter. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's exercise of the power to dismiss. *See Hacopian v. U.S. Dep't of Labor*, 709 F.2d 1295, 1297 (9th Cir. 1983), and we affirm.

The district court properly dismissed the action because Corrigan failed to prove that he paid the sanctions that were imposed in the prior action or show cause why his complaint should not be dismissed for failure to pay the sanctions. *See Hymes v. United States*, 993 F.2d 701, 702 (9th Cir. 1993) (dismissing appellant's appeal for failure to pay sanctions previously imposed in a prior action involving the same parties and claims).

The district court did not abuse its discretion when it dismissed Corrigan's motions for recusal because "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Pesnell v. Arsenault*, 543 F.3d 1038, 1044 (9th Cir. 2008) (internal citation omitted).

AFFIRMED.