

APR 07 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM V. SOWELL,

Plaintiff - Appellant,

v.

DONALD C. WINTER, Secretary of the
Navy, in his official capacity; et al.,

Defendants - Appellees.

No. 08-55140

D.C. No. CV-06-07739-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

William V. Sowell appeals pro se from the district court's order affirming
the magistrate judge's order extending the deadline to file a first amended

* 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).

complaint. We dismiss the appeal for lack of jurisdiction because the district court's November 26, 2007 order was not a final appealable order. *See WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (explaining that an order dismissing a complaint with leave to amend is not a final order).

DISMISSED.