

APR 24 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO GELUZ; et al.,

Plaintiffs - Appellants,

and

ERLINDA AQUINO,

Plaintiff,

v.

KINDRED HOSPITAL, doing business as  
THC-Orange County, Inc.,

Defendant - Appellee,

and

KINDRED PHARMACY SERVICES,  
INC.; et al.,

Defendants.

No. 07-56210

D.C. No. CV-06-01250-SGL

MEMORANDUM\*

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

Appeal from the United States District Court  
for the Central District of California  
Stephen G. Larson, District Judge, Presiding

Submitted April 13, 2009\*\*

Before: GRABER, GOULD, and BEA, Circuit Judges.

Antonio Geluz, Marilyn Geluz, and Estela Hernandez (“Appellants”) appeal pro se from the district court’s judgment dismissing their action under Fed. R. Civ. P. 41(b). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing the action because appellants repeatedly failed to comply with court orders. *See id.* at 1260-61 (discussing factors to be considered before dismissing under Rule 41(b) for failure to comply with a court order); *see also Moneymaker v. CoBen (In re Eisen)*, 31 F.3d 1451, 1455 (9th Cir. 1994) (“[An] express warning regarding the possibility of dismissal is [not] a prerequisite to a Rule 41(b) dismissal when dismissal follows a noticed motion[.]”)

Appellants’ remaining contentions are unpersuasive.

**AFFIRMED.**

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