

March 14, 2016

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

HANH THI BOWEN,
Plaintiff - Appellant,

and

HAROLD RAY BOWEN,
Plaintiff,

v.

MRS. CAROD,
Defendant - Appellee.

No. 15-1467
(D.C. No. 15-CV-00729-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **KELLY, HOLMES**, and **MORITZ**, Circuit Judges.**

Plaintiff-Appellant Hahn Thi Bowen, appearing pro se, appeals from the district court’s dismissal of the complaint based on a failure to comply with the

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

court's order to file an amended complaint. Bowen v. Carod, No. 15-cv-729-GPG (D. Colo. Nov. 10, 2015). Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

The allegations in underlying complaint were unintelligible and upon review, the magistrate judge directed Plaintiff to submit an amended complaint that complied with the pleading requirements of Fed. R. Civ. P. 8. 1 R. 17–19. Plaintiff filed two subsequent letters with the court, but never amended the complaint. As a result, the district court dismissed the action.

We review a district court's dismissal for failure to follow court orders for an abuse of discretion. Gripe v. City of Enid, 312 F.3d 1184, 1188 (10th Cir. 2002). A court has the discretion to dismiss a case if it concludes that dismissal alone would satisfy the interests of justice. Id.; see also Mitchell v. City of Colorado Springs, 194 F. App'x 497, 499 (10th Cir. 2006).

The district court did not abuse its discretion in dismissing Plaintiff's complaint, a sanction that was not imposed lightly. The magistrate judge provided Plaintiff an opportunity to amend the complaint, 1 R. 17–19, an extension of time to comply with the court's order, id. at 21, and directed the order be resent to Plaintiff's new address, id. at 23. Given the difficulty in ascertaining the nature of Plaintiff's claim, the grounds for jurisdiction, and the relief sought, see Fed. R. Civ. P. 8(a)—in addition to Plaintiff's lack of corrective action—the district court's dismissal served the interests of justice.

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge