

FEB 25 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERT ALLEN LONG,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>MICHAEL J. ASTRUE, Commissioner of Social Security,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 09-35036

D.C. No. 3:07-cv-00127-JVS

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
James V. Selna, District Judge, Presiding**

Submitted February 15, 2011***

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Robert Allen Long appeals pro se from the district court’s order dismissing for failure to prosecute his action seeking Social Security benefits. We have

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

** The Honorable James V. Selna, United States District Judge for the Central District of California, sitting by designation.

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

jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion.

Townsel v. Cnty. of Contra Costa, Cal., 820 F.3d 319, 320 (9th Cir. 1987). We affirm.

The district court did not abuse its discretion by dismissing the action without prejudice because Long failed to serve the summons and complaint as required by Federal Rule of Civil Procedure 4(m), or to show good cause for his failure. *See id.*

Long's remaining contentions are unpersuasive.

Long's pending Motion for Emergency Court Protection is denied.

AFFIRMED.