

JUN 09 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KARL D. CHROMY,

Plaintiff - Appellant,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant - Appellee.

No. 10-35190

D.C. No. 1:08-cv-00514-CL

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Owen M. Panner, District Judge, Presiding

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Karl D. Chromy appeals pro se from the district court's judgment dismissing for lack of jurisdiction his action seeking review of an alleged final decision by the Commissioner of the Social Security Administration and from the order addressing

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

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

postjudgment motions. To the extent that we have jurisdiction, it is under 28 U.S.C. § 1291. We dismiss in part and affirm in part.

We lack jurisdiction to review the underlying judgment because Chromy's notice of appeal was filed more than sixty days after entry of judgment. *See* Fed. R. App. P. 4(a)(1)(B); *United States ex rel. Haight v. Catholic Healthcare W.*, 602 F.3d 949, 953 (9th Cir. 2010) (dismissing untimely appeal for lack of jurisdiction). The postjudgment motions did not toll the time to appeal from the judgment. *See* Fed. R. App. P. 4(a)(4)(A) (listing tolling motions); *Munden v. Ultra-Alaska Assocs.*, 849 F.2d 383, 386 (9th Cir. 1988) (explaining that we will not "strain to characterize artificially" a postjudgment motion "merely to keep the appeal alive").

To the extent that Chromy challenges the district court's order addressing his postjudgment motions, his contentions are unpersuasive.

Chromy's remaining contentions are also unpersuasive.

DISMISSED in part; AFFIRMED in part.