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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SING CHO NG,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>HAGGEN INC.; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-35574

D.C. No. 2:08-cv-01160-JCC

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
John C. Coughenour, District Judge, Presiding

Submitted July 12, 2011\*\*

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Sing Cho Ng appeals pro se from the district court’s judgment dismissing his Title VII action without prejudice for failure to serve the summons and complaint in a timely manner. We have jurisdiction under 28 U.S.C. § 1291. We review for

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\* 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).

an abuse of discretion, *Oyama v. Sheehan (In re Sheehan)*, 253 F.3d 507, 511 (9th Cir. 2001), and we affirm.

The district court did not abuse its discretion by dismissing Ng's action, after granting Ng additional time to serve, because Ng failed to serve the summons and complaint within that time and failed to show good cause for not doing so. *See* Fed. R. Civ. P. 4(m) (requiring service within 120 days after the complaint is filed); *In re Sheehan*, 253 F.3d at 512-13 (discussing good cause and the district court's broad discretion to extend time for service or to dismiss the action without prejudice).

The district court did not abuse its discretion in concluding that Ng failed to demonstrate circumstances that would warrant appointment of counsel. *See Johnson v. U.S. Treasury Dep't*, 27 F.3d 415, 416-17 (9th Cir. 1994) (per curiam) (standard of review and factors relevant to appointment of counsel).

Ng's remaining contentions are unpersuasive.

**AFFIRMED.**