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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUGUST MARIE PARKER,

Plaintiff-counter-defendant-
3rd-party-defendant - Appellee,

v.

ALBERTO ZAVALA; et al.,

Third-party-defendants-cross-
claimants - Appellants,

and

KIMBERLY ZAVALA,

Third-party-defendant-cross-
claimant,

PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant-third-party-
plaintiff.

No. 10-17033

D.C. No. 2:09-cv-00428-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

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

Susan R. Bolton, District Judge, Presiding

Submitted November 16, 2011**
San Francisco, California

Before: NOONAN and BEA, Circuit Judges, and WALTER, Senior District Judge.***

This is an appeal from a motion for summary judgment; the facts are not repeated as the parties are familiar with them. We are constrained to interpret 38 U.S.C. § 1970(a) of the Servicemembers' Group Life Insurance Act to require strict compliance with its provisions regarding the designation of beneficiaries. *Prudential Ins. Co. v. Perez*, 51 F.3d 197, 198–99 (9th Cir. 1995). At the time of the insured's death, the Army had only August Marie Parker listed as a designated beneficiary on file in its records. Appellants proffered no evidence to establish a triable issue of fact as to another properly designated beneficiary, or that the designation of Parker was for some reason invalid. *Marks v. United States*, 578 F.2d 261, 263 (9th Cir. 1978).

AFFIRMED.

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

*** The Honorable Donald E. Walter, Senior District Judge for the U.S. District Court for Western Louisiana, sitting by designation.