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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DE'MARIAN A. CLEMONS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>ROBERT CLINTON HAYES, M.D.; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 13-15679

D.C. No. 2:10-cv-01163-KJD-  
GWF

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Kent J. Dawson, District Judge, Presiding

Submitted March 10, 2014\*\*

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Nevada state prisoner De'Marian A. Clemons appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs while he was a pretrial detainee. We have

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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).

jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to complete service in a timely manner. *Oyama v. Sheehan (In re Sheehan)*, 253 F.3d 507, 511 (9th Cir. 2001). We affirm.

The district court did not abuse its discretion in dismissing Clemons's action without prejudice because Clemons failed to effect proper service of the summons and complaint. *See* Fed. R. Civ. P. 4(e), (m) (describing proper methods for service of process on an individual and requiring service within 120 days after the complaint is filed); Nev. R. Civ. P. 4(d)(6) (setting forth requirements of service on individuals under Nevada state law); *In re Sheehan*, 253 F.3d at 512.

The district court did not abuse its discretion by denying Clemons's motion for reconsideration because Clemons failed to establish grounds for such relief. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth the standard of review and grounds for reconsideration).

**AFFIRMED.**