

JAN 28 2016

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENNIS CHEN,

Plaintiff - Appellant,

v.

WESTFIELD MALL, a California  
corporation; LORETTA E. LYNCH,  
Attorney General,

Defendants - Appellees.

No. 13-56038

D.C. No. 2:12-cv-08409-RGK-  
MAN

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted January 20, 2016\*\*

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Dennis Chen appeals from the district court's order dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims arising from interference with his right to travel. We have jurisdiction under 28 U.S.C. § 1291. We review for an

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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).

abuse of discretion a dismissal for failure to serve a summons and complaint 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 by dismissing Chen's action because Chen failed to show good cause as to why he did not timely serve defendants. *See id.* at 512 (explaining good cause standard). Moreover, the district court did not abuse its discretion in refusing to extend the service period. *See id.* at 513 (the district court has broad discretion to extend time for service or dismiss without prejudice).

We treat the dismissal of Chen's action as without prejudice. *See Fed. R. Civ. P. 4(m).*

**AFFIRMED.**