

APR 19 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WENFO SONG,

Plaintiff - Appellant,

v.

BARACK OBAMA, President of the
United States,

Defendant - Appellee.

No. 15-15015

D.C. No. 2:14-cv-01322-TLN-
DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Wenfo Song appeals pro se from the district court's judgment dismissing his action for failure to effect proper service of the summons and complaint under Federal Rule of Civil Procedure 4(m). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291. We review for 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 sua sponte dismissing Song's action because Song failed to effect proper service of the summons and complaint and did not demonstrate good cause for failing to serve, despite being given notice and an opportunity to do so. *See* Fed. R. Civ. P. 4(m) (outlining requirements for proper service, and explaining that district court may sua sponte dismiss an action for failure to serve "after notice to the plaintiff"); *In re Sheehan*, 253 F.3d at 512 (discussing Rule 4(m)'s "good cause" standard).

Because we affirm the dismissal of Song's action for failure to serve, we do not consider the merits of Song's action.

We reject Song's contention that the district court failed to find him an attorney because Song did not establish a basis for the appointment of counsel.

We reject as unsupported Song's contentions of judicial bias, prejudice, or impropriety.

Song's motion to disqualify Judges Jacqueline Nguyen and William Canby, filed May 18, 2015, is denied.

AFFIRMED.