

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARK F. DURBIN,

Plaintiff-Appellant,

v.

STATE OF WASHINGTON, as
Respondents Superior for, with, together, and
employing; et al.,

Defendants-Appellees.

No. 22-35872

D.C. No. 2:22-cv-00200-JHC

MEMORANDUM*

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

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Mark F. Durbin appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

serve the summons and complaint under Federal Rule of Civil Procedure 4(m).

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 Durbin’s claims against defendants State of Washington, King County, Keena Javier, Kellon Pitts, Amanda Zerger, and Zachery Boyd, because Durbin failed to effect proper service of the summons and complaint and did not demonstrate good cause for failing to serve properly, 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 dismiss for failure to serve after providing notice and absent a showing of good cause for failure to serve); *In re Sheehan*, 253 F.3d at 512 (discussing Rule 4(m)’s “good cause” standard).

AFFIRMED.