

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 00-1209

MICHAEL S. EMANUEL,
Plaintiff, Appellant,
QUALITY DISCOUNT MARKET, CORP.,
Plaintiff,
v.
SMALL BUSINESS ADMINISTRATION,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

[Hon. Joseph A. DiClerico, Jr., U.S. District Judge]

Before

Torruella, Chief Judge,
Campbell, Senior Circuit Judge,
and Lipez, Circuit Judge.

Michael S. Emanuel on brief pro se.

Nancy Ankers White, Special Assistant Attorney General, and
Wendy C. Weber, Counsel, Department of Correction, on brief for
appellee.

April 9, 2001

Per Curiam. After carefully considering the briefs and record on appeal, we affirm substantially for the reasons developed in the district court. We add only the following.

Mr. Emanuel argues on appeal that the district court improperly dismissed Quality's claim for breach of a duty to foreclose in a commercially reasonable manner. Although we express no opinion about the existence of such a cause of action, since we have already dismissed the corporation's appeal, the claim is not before us.

The appellant also argues that the court erred in refusing to allow him to represent Quality, and may intend to suggest that the court erred in dismissing a claim he held as guarantor. Below, Appellant raised the issues belatedly and the court finally dismissed the action for failure to prosecute without considering them. The court found that, despite numerous extensions and warnings, the appellant repeatedly failed to meet deadlines. The case was nearly three years old, but presented no discernable claim. Under the circumstances, the court did not abuse its considerable discretion in dismissing, nor does the appellant present any argument that it did. John's

Insulation, Inc. v. L. Addison and Associates, Inc., 156 F.3d 101 (1st Cir. 1998).

Appellant raises no other issue on appeal that was properly presented below. Hernandez-Hernandez v. United States, 904 F.2d 758, 763 (1st Cir. 1990)(arguments may not be presented for the first time on appeal).

Affirmed. Loc. R. 27(c).