

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 08 2009

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

LAURIE MARIE LASKEY,

Plaintiff - Appellant,

v.

RCN CORPORATION, a Delaware
corporation,

Defendant - Appellee.

No. 08-17557

D.C. No. 3:08-cv-01333-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William H. Alsup, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Laurie Marie Laskey appeals pro se from the district court's summary judgment on statute of limitations grounds in her diversity of citizenship action

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

against RCN Corporation. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo. *Hernandez v. Spacelabs Med., Inc.*, 343 F.3d 1107, 1112 (9th Cir. 2003). We affirm.

The district court properly granted summary judgment because Laskey failed to controvert RCN's evidence that her claims were barred by the applicable statutes of limitations. *See* Cal. Civ. Proc. Code § 335.1 (providing a two-year statute of limitations for personal injury and product liability claims); Cal Civ. Proc. Code § 338(b) (providing a three-year statute of limitations for injury to property); Cal. Civ. Code § 1708.7 (providing a three-year statute of limitations for stalking); Cal. Civ. Code § 1798.96 (providing a four-year statute of limitations for identity theft).

We do not consider Laskey's arguments raised for the first time on appeal. *See Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007).

Laskey's remaining contentions are unpersuasive.

Laskey's motion to file a supplemental brief is granted.

AFFIRMED.