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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TERRY M. TURNER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CITY AND COUNTY OF HONOLULU; et al.,</p> <p>Defendants - Appellees.</p>

No. 08-16410

D.C. No. 1:06-CV-00616-JMS-LEK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Terry M. Turner appeals pro se from the district court’s summary judgment in his 42 U.S.C. § 1983 action alleging violations of his constitutional rights and

* 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).

negligence in connection with criminal proceedings against him. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *ACLU of Nev. v. City of Las Vegas*, 466 F.3d 784, 790-91 (9th Cir. 2006), and we affirm.

The district court properly granted summary judgment for defendants on statute of limitations grounds because Turner failed to raise a triable issue as to whether the limitations period was tolled after July 2004, and he did not file this action until more than two years later. *See Canatella v. Van de Kamp*, 486 F.3d 1128, 1132 (9th Cir. 2007) (explaining that, for section 1983 actions, courts apply the forum state's statute of limitations for personal injury actions and that state's tolling provisions); Haw. Rev. Stat. § 657-7 (providing two-year statute of limitations for personal injury actions under Hawaii law); Haw. Rev. Stat. § 657-13 (allowing for tolling of the limitations period for insanity or imprisonment); *Buck v. Miles*, 971 P.2d 717, 724-25 (Haw. 1999) (defining insanity for tolling purposes).

Turner's remaining contentions are unpersuasive.

AFFIRMED.