

JAN 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY R. GRANILLO,

Plaintiff - Appellant,

v.

UNITED PARCEL SERVICE, INC.,

Defendant - Appellee.

No. 08-17276

D.C. No. 4:08-cv-00398-JMR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, Chief District Judge, Presiding

Submitted January 11, 2010**

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

Anthony R. Granillo appeals pro se from the district court's judgment dismissing as untimely his "hybrid" action under section 301 of the Labor Management Relations Act alleging breach of a collective bargaining agreement by

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

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

his former employer. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Harper v. San Diego Transit Corp.*, 764 F.2d 663, 665-66 (9th Cir. 1985), and we affirm.

The district court properly dismissed the action as untimely because Granillo filed it more than six months after his claims accrued. *See id.* at 669 (explaining that section 301 “hybrid” actions have a six-month statute of limitations and affirming dismissal of a section 301 “hybrid” action filed seven months after the claim accrued). The action was untimely even if, as Granillo contends, the claim accrued on November 14, 2007.

AFFIRMED.