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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LEROY WILLIS, Jr.,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>W. BILL KOLLENDER; et al.,</p> <p style="text-align: center;">Defendants.</p>
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No. 08-56879

D.C. No. 3:08-cv-00844-JAH-JMA

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
John A. Houston, District Judge, Presiding

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Leroy Willis, Jr., a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that sheriff's

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\* 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).

deputies used excessive force against him. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly concluded that Willis's action was time-barred. *See* Cal. Civ. Proc. § 335.1 (providing a two-year statute of limitations for personal injury claims); *Jones v. Blanas*, 393 F.3d 918, 927 (9th Cir. 2004) ("For actions under 42 U.S.C. § 1983, courts apply the forum state's statute of limitations for personal injury actions."). Contrary to Willis's contentions, the statute of limitations began to run when the wrongful act results in damages, not when the full extent of those damages are understood. *See Wallace v. Kato*, 549 U.S. 384, 391 (2007).

**AFFIRMED.**