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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEWIS A. HENDERSON,

Plaintiff - Appellant,

v.

UNITED STATES AIR FORCE, Davis-  
Monthan Air Force Base,

Defendant - Appellee.

No. 08-17514

D.C. No. 4:06-cv-00323-FRZ-  
BPV

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Submitted February 16, 2010\*\*

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

Lewis A. Henderson appeals pro se from the district court's judgment  
dismissing his action alleging that defendant violated the Privacy Act. We have

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

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

jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction. *Orsay v. U.S. Dep't of Justice*, 289 F.3d 1125, 1128 (9th Cir. 2002). We affirm.

The district court properly dismissed Henderson's Privacy Act claims because they are precluded by the Civil Service Reform Act ("CSRA"). *See id.* at 1128–30 (affirming dismissal of Privacy Act claim for lack of subject matter jurisdiction where the alleged conduct constitutes a "prohibited personnel practice" under the CSRA).

Henderson's remaining contentions are unpersuasive.

**AFFIRMED.**