

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GINGER L. HUGHES,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>BRAVO CREDIT CORPORATION; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 09-16732

D.C. No. 2:07-cv-02332-JAM-
KJM

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Ginger L. Hughes appeals pro se from the district court’s summary judgment in her action under the Truth in Lending Act (“TILA”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Feldman v. Allstate Ins. Co.*, 322

* 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).

F.3d 660, 665 (9th Cir. 2003). We affirm.

The district court properly granted summary judgment on Hughes's TILA claim seeking damages because her action, filed more than one year after the alleged violation, was time-barred. *See* 15 U.S.C. § 1640(e) (an action for damages must be brought within one year of the date of the alleged violation); *see also King v. California*, 784 F.2d 910, 915 (9th Cir. 1986).

The district court properly granted summary judgment on Hughes's TILA claim seeking rescission because Hughes admitted that she could not tender the proceeds of the loan in the event that the court granted her this remedy. *See Yamamoto v. Bank of N.Y.*, 329 F.3d 1167, 1171 (9th Cir. 2003). (“[I]n applying TILA, a trial judge has the discretion to condition rescission on tender by the borrower of the property he [or she] had received from the lender.”) (internal quotation marks and brackets omitted).

Hughes's remaining contentions are unpersuasive.

AFFIRMED.