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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALEKSANDR VOLKOV,

Plaintiff - Appellant,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee Under the Pooling
and Servicing Agreement Relating to
IMPAC Secured Assets Corp.; et al.,

Defendants - Appellees.

No. 10-15178

D.C. No. 3:09-cv-03915-JSW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted December 14, 2010**

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

Aleksandr Volkov appeals pro se from the district court's judgment dismissing his action under the Truth in Lending Act ("TILA"). We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review de novo. *King v. California*, 784 F.2d 910, 912 (9th Cir. 1986). We affirm.

The district court properly dismissed Volkov's TILA claim as time-barred. *See* 15 U.S.C. § 1640(e) (an action for damages must be brought within one year of the date of alleged violation); *King*, 784 F.2d at 915. Contrary to Volkov's contention, the district court did not abuse its discretion by declining to apply equitable tolling where any TILA violation could have been discovered at the time of closing. *See Leong v. Potter*, 347 F.3d 1117, 1121 (9th Cir. 2003) (decision to apply equitable tolling reviewed for abuse of discretion).

The district court did not abuse its discretion by dismissing the claims, without leave to amend, where, as here, amendment was futile. *See Chased v. Fleer/Skybox Int'l, LP*, 300 F.3d 1083, 1087-88 (9th Cir. 2002).

Volkov's remaining contentions are unpersuasive.

AFFIRMED.