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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHEN J. ODELL,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF
INVESTIGATION; SEATTLE PACIFIC
UNIVERSITY,

Defendants - Appellees.

No. 10-35660

D.C. No. 2:10-cv-00165-RAJ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Stephen J. Odell appeals pro se from the district court’s summary judgment and dismissal order in his action alleging state law claims against Seattle Pacific University (“SPU”) and a Federal Tort Claims Act (“FTCA”) claim against the

* 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).

Federal Bureau of Investigation (“FBI”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo both a grant of summary judgment, *Universal Health Servs., Inc. v. Thompson*, 363 F.3d 1013, 1019 (9th Cir. 2004), and a dismissal for lack of subject matter jurisdiction, *Kruso v. Ints. Tel. & Tel. Corp.*, 872 F.2d 1416, 1421 (9th Cir. 1989). We affirm.

The district court properly granted summary judgment on Odell’s tort claims against SPU because the claims were barred by the statute of limitations. *See* Wash. Rev. Code § 4.16.100(1).

The district court properly dismissed Odell’s FTCA claim for lack of subject matter jurisdiction because Odell failed to file an administrative claim before filing this action. *See* 28 U.S.C. §§ 2401(b), 2675(a); *Marley v. United States*, 567 F.3d 1030, 1034-37 (9th Cir. 2009).

We do not consider Odell’s constitutional claims raised for the first time on appeal. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

Odell’s remaining contentions are unpersuasive.

AFFIRMED.