

JAN 10 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UEON BAK,

Plaintiff - Appellant,

v.

JOHN E. POTTER, Postmaster General,  
United States Postal Service (Pacific Area)  
Agency; UNITED STATES POSTAL  
SERVICE,

Defendants - Appellees.

No. 10-56924

D.C. No. 8:10-cv-00983-UA-  
DUTY

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, Chief Judge, Presiding

Submitted December 19, 2011\*\*

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Ueon Bak appeals pro se from the district court's order denying his request for leave to proceed in forma pauperis. We have jurisdiction under 28 U.S.C.

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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).

§ 1291. We review de novo the determination that a complaint lacks arguable substance in law or fact, and for an abuse of discretion the denial of leave to proceed in forma pauperis. *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987). We affirm.

The district court properly concluded that “the face of the proposed complaint” showed that Bak’s claims had “no arguable substance in law or fact.” *Id.* at 1370; *see also* 42 U.S.C. § 2000e-5 (establishing Title VII’s administrative exhaustion requirement, as well as the time for a claimant to file an administrative charge and a civil action); Cal. Civ. Proc. Code §§ 335.1, 338(d) (establishing a two-year statute of limitations for personal injury claims, and a three-year statute of limitations for fraud claims); *Legg v. Ford*, 8 Cal. Rptr. 392, 397 (Ct. App. 1960) (“Subornation of perjury, being a crime and not a tort, is subject to criminal prosecution brought in the interest of the state and not to redress a private wrong.”). Accordingly, the district court did not abuse its discretion by denying Bak’s request to proceed in forma pauperis.

Bak’s remaining contentions are unpersuasive.

**AFFIRMED.**