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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY R. SOUSA,

Plaintiff - Appellant,

v.

CONTRACT SERVICES
ADMINISTRATION TRUST FUND, a
business of unknown form,

Defendant - Appellee.

No. 10-56752

D.C. No. 2:10-cv-05116-RGK-
AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Gregory R. Sousa appeals pro se from the district court's order dismissing on the basis of the applicable statute of limitations his action alleging violations of

* 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).

the Uniform Services Employment and Reemployment Rights Act of 1994. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Ventura Mobilehome Cmtys. Owners Ass’n v. City of San Buenaventura*, 371 F.3d 1046, 1050 (9th Cir. 2004), and we affirm.

The district court properly concluded that Sousa’s action was barred by the applicable four-year limitations period because Sousa filed it almost ten years after learning that defendant had allegedly miscalculated his seniority date based on his absence for military service. *See* 28 U.S.C. § 1658(a) (setting forth four-year statute of limitation for civil actions arising under an Act of Congress enacted after December 1, 1990); *Chardon v. Fernandez*, 454 U.S. 6, 8 (1981) (per curiam) (claim accrues at “the time of the *discriminatory act*, not the point at which the *consequences* of the act become painful.”).

We do not consider issues and arguments that Sousa raises for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Issues not expressly addressed in Sousa’s opening brief are deemed waived. *See id.*

Sousa’s remaining contentions are unpersuasive.

AFFIRMED.