

MAY 18 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FAHED SAYEGH, an individual,

Plaintiff - Appellant,

v.

JOHN ENRIGHT, INC., a California Corporation, DBA John Enright, Inc., Defined Benefit Pension Plan; FIRST SECURITY MORTGAGE HOME LOANS, INC., a California Corporation, DBA First Security Mortgage; SOUTHERN CALIFORNIA MORTGAGE COMPANY, a California Corporation; PAUL RIOS, an individual,

Defendants - Appellees.

No. 11-55030

D.C. No. 2:10-cv-04794-JFW-JCG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Argued and Submitted May 10, 2012
Pasadena, California

Before: D.W. NELSON, FISHER and CHRISTEN, Circuit Judges.

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

The district court dismissed Fahed Sayegh's claim for damages under the Truth in Lending Act, finding the claim was barred by the statute of limitations, and denied him leave to amend, finding that amendment would be futile. Sayegh argues that the court abused its discretion by denying him an opportunity to amend his complaint to allege facts that would support tolling the statute of limitations. We affirm.

Sayegh's proffer to the district court of the kind of facts that he would allege if he were given the opportunity to amend his complaint was insufficient to support either equitable tolling or equitable estoppel. On appeal, Sayegh has not advanced any facts that would plausibly support tolling the statute of limitations. We therefore conclude that the district court did not abuse its discretion when it denied leave to amend based on futility. *See Deutsch v. Turner Corp.*, 324 F.3d 692, 717-18 (9th Cir. 2003) (upholding denial of leave to amend on the basis of futility where the plaintiffs proffered facts to the district court that were insufficient to support tolling and failed to offer additional facts on appeal).

AFFIRMED.