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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAL BHATIA,

Plaintiff - Appellant,

v.

OFFICE OF THE UNITED STATES
ATTORNEY,

Defendant - Appellee.

No. 11-16250

D.C. No. 4:09-cv-05581-SBA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted December 19, 2012**

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

Federal prisoner Lal Bhatia appeals pro se from the district court's judgment dismissing his action alleging violations of the Privacy Act, 5 U.S.C. § 552a, in connection with his federal criminal indictment. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo, *Rouse v U.S. Dep't of State*, 567 F.3d 408, 414 (9th Cir. 2009), and we affirm.

The district court properly dismissed Bhatia's claims under 5 U.S.C. §§ 552(a)(d)(2) and (e)(5) because the records he sought to amend were exempt from these Privacy Act requirements under Department of Justice ("DOJ") regulations. *See* 28 C.F.R. § 16.81(a), (d)(3), (8); *see also Alexander v. United States*, 787 F.2d 1349, 1351-52 (9th Cir. 1986) (holding that plaintiff was "barred from taking advantage of the civil remedies afforded by the Privacy Act" as a result of DOJ regulations exempting arrest records maintained by Federal Bureau of Investigation's Identification Division Records System).

The district court properly dismissed Bhatia's claim under 5 U.S.C. § 552a(e)(6) because Bhatia failed to allege facts showing that the information provided to the grand jury was not accurate. *See Rose v. United States*, 905 F.2d 1257, 1259 (9th Cir. 1990) (listing elements of Privacy Act claim).

The district court did not abuse its discretion in denying Bhatia's motion to compel discovery or by staying discovery. *See Laub v. U.S. Dep't of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003) (discovery rulings should only be disturbed on clear showing of actual and substantial prejudice).

Bhatia's pending motions are denied.

AFFIRMED.