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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>JEFF RUSSELL TRAXTLE,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>SHERRI HOLMAN, Library Coordinator, Oregon Department of Corrections; DON MILLS, Superintendent, DOC, Two Rivers Correctional Institution,</p> <p style="text-align: center;">Defendants - Appellees.</p> |
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No. 12-35063

D.C. No. 6:11-cv-06142-TC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief Judge, Presiding

Submitted December 19, 2012**

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

Oregon state prisoner Jeff Russell Traxtle appeals pro se from the district court's judgment dismissing as time-barred his 42 U.S.C. § 1983 action alleging a

* 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).

violation of his constitutional right of access to the courts. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Douglas v. Noelle*, 567 F.3d 1103, 1106 (9th Cir. 2009), and we affirm.

The district court properly dismissed Traxtle's action as time-barred because his access-to-courts claim accrued more than two years before he filed his complaint. *See* Or. Rev. Stat. § 12.110(1) (two-year statute of limitations for personal injury claims); *Douglas*, 567 F.3d at 1109 (for § 1983 claims, courts apply the forum state's statute of limitations for personal injury claims); *Morales v. City of Los Angeles*, 214 F.3d 1151, 1154 (9th Cir. 2000) (an access-to-courts claim accrues when the lower court issues its judgment in the underlying action, not when the appeals of that judgment have been exhausted).

Traxtle's reliance on *Christopher v. Harbury*, 536 U.S. 403 (2002), is misplaced.

AFFIRMED.