

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 02 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TONY HINES,

Plaintiff - Appellant,

v.

DWIGHT W. NEVEN; et al.,

Defendants - Appellees.

No. 12-17841

D.C. No. 2:11-cv-01481-PMP-
GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted December 17, 2013**

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

Nevada state prisoner Tony Hines appeals pro se from the district court's order denying his motion for relief from judgment under Federal Rule of Civil Procedure 60(b) following the dismissal of Hines's 42 U.S.C. § 1983 action as barred by the statute of limitations. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying Hines's motion for relief from judgment because Hines failed to establish grounds for relief under Rule 60(b). *See id.* at 1263 (grounds for relief from judgment under Rule 60(b)); *see also* Nev. Rev. Stat. § 11.250 (grounds for equitable tolling under Nevada law); *Perez v. Seevers*, 869 F.2d 425, 426 (9th Cir. 1989) (per curiam) (§ 1983 actions are governed by the forum state's statute of limitations for personal injury claims; two-year statute of limitations under Nevada law).

Because the scope of this appeal is limited to review of the November 26, 2012, order denying Hines's motion for reconsideration, we do not address the other issues that Hines raises.

AFFIRMED.