

MAR 17 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JASON CABOT,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>STEPHANE COMBET-BLANC; PAULA ABRAHIMI,</p> <p style="text-align: center;">Defendants - Appellees.</p>
--

No. 12-55422

D.C. No. 2:10-cv-05728-ODW-
AJW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Jason Cabot appeals pro se from the district court’s order dismissing his diversity action as barred by the applicable statutes of limitations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Ellis v. San Diego*, 176

* 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)*.

F.3d 1183, 1188 (9th Cir. 1999). We affirm.

The district court properly dismissed Cabot's action because Cabot filed suit after the applicable statutes of limitations had expired. *See* Cal. Civ. Proc. Code § 335.1 (two years for “[a]n action for assault, battery, or injury to . . . an individual caused by the wrongful act or neglect of another”); § 340 (one year for defamation and false imprisonment claims).

The district court did not abuse its discretion in denying Cabot's motion under Fed. R. Civ. P. 59 because Cabot failed to establish grounds warranting reconsideration. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Rule 59(e)).

Cabot's argument that the district court should have permitted discovery to allow him to establish the amount of time, if any, defendants were absent from California to toll his claims under Cal. Civ. Proc. Code § 351 is unpersuasive.

AFFIRMED.