

APR 14 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMES L. WEEMS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>OREGON UNIVERSITY SYSTEM; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 12-35840

D.C. No. 2:12-cv-00411-SU

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Patricia Sullivan, Magistrate Judge, Presiding**

Submitted April 7, 2014***

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

James L. Weems appeals pro se from the district court’s judgment
dismissing his action alleging federal claims arising from purportedly false

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

** The parties consented to proceed before a magistrate judge. *See* 28
U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

statements made in a prior state court action regarding the reason for discharging Weems from employment as a tenured professor. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *See Fink v. Shedler*, 192 F.3d 911, 914 (9th Cir. 1999) (dismissal on the basis of the statute of limitations); *Romano v. Bible*, 169 F.3d 1182, 1185 (9th Cir. 1999) (dismissal under Fed. R. Civ. P. 12(b)(6)). We affirm.

The district court properly dismissed all of Weems's claims as barred by the applicable two-year statute of limitations. *See Or. Rev. Stat. § 12.110* (two-year statute of limitations for personal injury actions, including fraud); *Knox v. Davis*, 260 F.3d 1009, 1012-13 (9th Cir. 2001) (for § 1983 claims, federal courts apply the forum state's personal injury statute of limitations and federal law for determining accrual; a § 1983 claim accrues when the plaintiff knows or has reason to know of the injury that forms the basis of the action). Because the claims were properly dismissed as barred by the statute of limitations, we do not reach any other issues.

Weems's contention regarding the denial of leave to amend is unpersuasive.

AFFIRMED.