

APR 15 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHET MICHAEL WILSON,

Plaintiff - Appellant,

v.

JOAN COPPERWHEAT, Director of Lane  
County Parole and Probation; et al.,

Defendants - Appellees.

No. 13-35154

D.C. No. 6:12-cv-02149-KI

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Garr M. King, Senior District Judge, Presiding

Argued and Submitted April 7, 2015  
Seattle Washington

Before: FERNANDEZ, RAWLINSON, and CALLAHAN, Circuit Judges.

Appellant Chet Michael Wilson filed a § 1983 claim in the District Court for the District of Oregon alleging that his confinement in the Oregon state prisons was extended in violation of his constitutional rights. The district court summarily dismissed the action as untimely under Oregon’s two-year statute of limitations,

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

finding that Wilson knew of his claims more than two years before he filed his complaint.

Although Wilson may have known of his potential claim more than two years before he filed his action, pursuant to *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994) and *Rosales-Martinez v. Palmer*, 753 F.3d 890, 896 (9th Cir. 2014), Wilson’s claims may not have accrued until he was released from confinement. Accepting the district court’s determination that Oregon’s two-year statute of limitations is applicable, Wilson’s complaint alleging claims under 42 U.S.C. § 1983 was filed within two years of his release from confinement.

Appellant’s motion to withdraw is granted.

The district court’s dismissal of Wilson’s § 1983 claims is **VACATED** and the case is **REMANDED** to the district court.