

JUL 30 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHANDRAMA MISHRA,

Plaintiff - Appellant,

v.

SAMUEL S. STARTTON VA MEDICAL
CENTER; U.S. DEPARTMENT OF
VETERANS AFFAIRS,

Defendants - Appellees.

No. 13-35719

D.C. No. 2:13-cv-00561-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, Chief Judge, Presiding

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Chandrama Mishra appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action alleging a claim related to his appointment and pay for a position with the Department of Veterans Affairs.

* 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 have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Mangano v. United States*, 529 F.3d 1243, 1245 n.2 (9th Cir. 2008). We affirm.

The district court properly dismissed Mishra’s action because it is precluded by the Civil Service Reform Act (“CSRA”). *See id.* at 1247-48 (CSRA limits federal employees challenging “prohibited personnel practices,” defined as any “personnel action” taken for an improper motive, to an administrative remedial system (citing 5 U.S.C. § 2302)); *Saul v. United States*, 928 F.2d 829, 834 (9th Cir. 1991) (broadly construing the definition of “personnel action”).

The district court properly denied Mishra’s motion for default judgment because defendants filed a timely response to his complaint. *See Fed. R. Civ. P.* 12(a)(2), (3), and (4); *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (setting forth standard of review).

AFFIRMED.