

OCT 29 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OLIVIA MORA,

Plaintiff - Appellant,

v.

EILEEN ELY, President of Green River
Community College, et al.,

Defendants - Appellees.

No. 13-36092

D.C. No. 2:12-cv-02134-JCC

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted October 14, 2015**

Before: SILVERMAN, BERZON, and WATFORD, Circuit Judges.

Olivia Mora appeals pro se from the district court's judgment in her 42 U.S.C. § 1983 action arising from defendants' recommendation that she withdraw from an aviation class and reconsider her career path. We have jurisdiction under

* 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).

28 U.S.C. § 1291. We review de novo a dismissal on the basis of the applicable statute of limitations. *Mann v. Am. Airlines*, 324 F.3d 1088, 1090 (9th Cir. 2003). We may affirm on any ground supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Dismissal of Mora's action with prejudice was proper because it was time-barred, and Mora failed to show that she was entitled to any tolling. *See Bagley v. CMC Real Estate Corp.*, 923 F.2d 758, 760 (9th Cir. 1991) (limitations period for § 1983 action is three years under Washington state law); *Perez v. Garcia*, 198 P.3d 539, 545 (Wash. Ct. App. 2009) (explaining equitable tolling under Washington law).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.