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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALAN W. JONES and KATHRYN
MARIE JONES,

Plaintiffs - Appellants,

v.

DALLAS NEUROLOGICAL AND
SPINE ASSOCIATES PA; et al.,

Defendants - Appellees.

No. 13-15488

D.C. No. 2:12-cv-02286-FJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, Senior District Judge, Presiding

Submitted November 9, 2015**
San Francisco, California

Before: CLIFTON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Kathryn and Alan Jones appeal the district court's dismissal of their
declaratory judgment action seeking a tolling of the statute of limitations for a

* 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).

medical malpractice claim they plan to bring. The Joneses have not presented a justiciable case or controversy. *See Calderon v. Ashmus*, 523 U.S. 740, 747 (1998). It is not clear whether the Joneses will ever bring a medical malpractice claim, or if they do, whether the defendants will raise the statute of limitations as a defense. Until that time, we lack jurisdiction over the claim.

AFFIRMED.