

**FILED**

FEB 17 2016

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

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TRINITY CHRISTIAN CENTER OF  
SANTA ANA, INC., a California  
Corporation; INTERNATIONAL  
BROADCASTING, INC., a California  
Corporation,

Plaintiffs - Appellants,

v.

JOSEPH MCVEIGH, an individual,

Defendant,

And

TYMOTHY S. MACLEOD, an individual,

Defendant - Appellee.

No. 14-55198

D.C. No. 8:13-cv-01334-DOC-  
RNB

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Argued and Submitted February 12, 2016  
Pasadena, California

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

Before: KLEINFELD, McKEOWN, and IKUTA, Circuit Judges.

Trinity Christian Center and International Broadcasting appeal the district court's judgment dismissing their malicious prosecution action against Tymothy MacLeod. We affirm.

The underlying action upon which the malicious prosecution action was predicated was terminated in favor of Trinity upon voluntary dismissal. *See MacDonald v. Joslyn*, 275 Cal. App. 2d 282, 289 (Cal. Ct. App. 1969). The resolution of the attorneys' fees issue was irrelevant to whether the voluntary dismissal was a favorable termination on the merits. The malicious prosecution action in this case therefore accrued, if at all, on May 7, 2012. Under California law, a one-year statute of limitations applies to malicious prosecution actions, *Lee v. Hanley*, 61 Cal. 4th 1225, 1236 (Cal. 2015), and that one-year statute of limitations expired in this action on May 7, 2013. The complaint in this action—filed on August 9, 2013—was therefore untimely.

The suit was not a SLAPPback action under Cal. Code Civ. Proc. § 425.18 because the underlying action was voluntarily dismissed rather than “dismissed pursuant to a special motion to strike.” Therefore, the district court properly

awarded attorneys' fees to MacLeod. We affirm the district court's final judgment for the reasons set forth in its October 31, 2013 and January 21, 2014 orders.

**AFFIRMED.**