

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

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

HECTOR L. RESSY,

Plaintiff-Appellant,

v.

PIERCE COUNTY; et al.,

Defendants-Appellees.

No. 15-35565

D.C. No. 3:14-cv-05693-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Hector L. Ressay appeals pro se from the district court's judgment dismissing as untimely his 42 U.S.C. § 1983 action alleging federal and state law claims arising from his pretrial detention. We have jurisdiction under 28 U.S.C. § 1291.

We review de novo. *Butler v. Nat'l Cmty. Renaissance of Cal.*, 755 F.3d 1191,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1194 (9th Cir. 2014) (application of the relation-back doctrine under Federal Rule of Civil Procedure 15(c)); *Papa v. United States*, 281 F.3d 1004, 1009 (9th Cir. 2002) (dismissal based on the statute of limitations). We affirm.

The district court properly dismissed Ressay's claim as barred by the statute of limitations. *See Bagley v. CMC Real Estate Corp.*, 923 F.2d 758, 750 (9th Cir. 1991) (limitations period for § 1983 claim is three years under Washington state law); *see also Woods View II, LLC v. Kitsap Cnty.*, 352 P.3d 807, 816 (Wash. Ct. App. 2015) (the statute of limitations for a negligence action is three years). The district court properly concluded that Ressay's amended complaint did not relate back to his original complaint under Rule 15 because Ressay failed to demonstrate that defendants had timely notice of Ressay's action or knew or should have known that the action would have been brought against them but for Ressay's mistake concerning their identity. *See Fed. R. Civ. P. 15(c)(1)(C)*; *Wash. Civ. R. 15(c)*; *see also Butler*, 766 F.3d at 1202-03 (discussing the requirements for relation-back under Federal Rule of Civil Procedure 15(c)(1)(C)).

AFFIRMED.