NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN ERICKSON; et al., Plaintiffs - Appellants, v. CITY OF AUBURN, Defendant - Appellee.	No. 08-35962 D.C. No. 2:07-cv-00683-MJP MEMORANDUM [*]

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

Submitted December 15, 2009 [**]

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

John Erickson and Shelley A. Erickson appeal pro se from the district court's summary judgment in their 42 U.S.C. § 1983 action alleging various claims

[*] 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).

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against the City of Auburn in connection with their attempts to develop a parcel of real property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Hernandez v. Spacelabs Med. Inc.*, 343 F.3d 1107, 1112 (9th Cir. 2003), and we affirm.

The district court properly granted summary judgment in favor of the City because the claims against the City are time-barred. *See* Wash. Rev. Code § 4.16.080(2) (2006) (statute of limitations governing personal injury actions is three years); *Carpinteria Valley Farms, Ltd. v. County of Santa Barbara*, 344 F.3d 822, 828 (9th Cir. 2003) ("The applicable statute of limitations for actions brought pursuant to 42 U.S.C. § 1983 is the forum state's statute of limitations for personal injury actions."); *Mont. Pole & Treating Plant v. I.F. Laucks and Co.*, 993 F.2d 676, 678 (9th Cir. 1993) ("[T]he critical determination of when an action accrues is knowledge of the facts essential to the cause of action.").

Appellants' remaining contentions are unpersuasive.

The City's February 9, 2009 Motion to Strike is granted.

AFFIRMED.