

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 22 2019

FOR THE NINTH CIRCUIT

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

WILLIAM L. SABATINI, R.N., CRNA,

Plaintiff-Appellant,

v.

ALEX M. AZAR II, Secretary of the United
States Department of Health and Human
Services,

Defendant-Appellee.

No. 18-55482

D.C. No. 3:17-cv-01597-AJB-JLB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Anthony J. Battaglia, District Judge, Presiding

Submitted January 15, 2019**

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

William L. Sabatini appeals pro se from the district court's judgment dismissing as time-barred his Privacy Act action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Orr v. Bank of Am., NT & SA*, 285 F.3d 764,

* 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).

779-80 (9th Cir. 2002). We affirm.

The district court properly dismissed as time-barred Sabatini's action because Sabatini knew or should have known about his claim more than two years before commencing this action. *See Rose v. United States*, 905 F.2d 1257, 1259 (9th Cir. 1990) ("The Privacy Act provides a two year statute of limitation, 5 U.S.C. § 552a(g)(5), which commences when the person knows or has reason to know of the alleged violation.").

AFFIRMED.