

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2020

FOR THE NINTH CIRCUIT

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

TATYANA EVGENIEVNA
DREVALEVA,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees,

and

PETER O'ROURKE,

Defendant.

No. 19-17286

D.C. No. 3:19-cv-01454-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted November 9, 2020**

Before: THOMAS, Chief Judge, TASHIMA and W. FLETCHER, Circuit Judges.

Tatyana Evgenievna Drevaleva appeals pro se from the district court's

* 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).

judgment dismissing her action under the Administrative Procedures Act related to her appointment for a position with the Department of Veterans Affairs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for lack of subject matter jurisdiction. *Mangano v. United States*, 529 F.3d 1243, 1245 n.2 (9th Cir. 2008). We affirm.

The district court properly dismissed Drevaleva's action because it is precluded by the Civil Service Reform Act ("CSRA"). *See Brock v. United States*, 64 F.3d 1421, 1425 (9th Cir. 1995) ("The CSRA is the exclusive remedy for all prohibited personnel actions.").

The district court did not abuse its discretion by denying Drevaleva's post-judgment Federal Rule of Civil Procedure 60(b) motion because Drevaleva failed to demonstrate any basis for such relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review, and grounds for reconsideration under Rule 60).

All pending motions are denied as moot.

AFFIRMED.