

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2021

FOR THE NINTH CIRCUIT

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

DAVID GETZEN,

Plaintiff-Appellant,

v.

JUAN GARCIA ROMERO, Detention
Officer,

Defendant-Appellee.

No. 20-17241

D.C. No. 3:20-cv-08066-SRB-DMF

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

David Getzen appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Erlin v. United States*, 364 F.3d 1127, 1130 (9th Cir. 2004) (dismissal on the basis of the statute of

* 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).

limitations); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal under 28 U.S.C. § 1915A). We affirm.

The district court properly dismissed Getzen's action because it is barred by the applicable two-year statute of limitations. *See Jones v. Blanas*, 393 F.3d 918, 927 (9th Cir. 2004) (§ 1983 claims are governed by the forum state's statute of limitations for personal injury claims); *TwoRivers v. Lewis*, 174 F.3d 987, 991-92 (9th Cir. 1999) (the statute of limitations for § 1983 claims in Arizona is two years).

Getzen's motion for default (Docket Entry No. 15) and motion to consolidate (Docket Entry No. 16) are denied.

AFFIRMED.