

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 27 2024

FOR THE NINTH CIRCUIT

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

ROBERT JESSE HILL,

No. 22-35822

Plaintiff-Appellant,

D.C. No. 3:22-cv-05451-RSM

v.

MEMORANDUM*

ISAIAH GARRISON, Community Corrections Officer, Washington State Department of Corrections; ANGELA STRANGER, Community Corrections Supervisor, Washington State Department of Corrections; MAC PEREY, Community Corrections Division Acting Secretary, Washington State Department of Corrections; VIRGINIA MASON, Hearing Officer, Washington State Department of Corrections; STEPHEN SINCLAIR, Former Secretary, Washington State Department of Corrections; CHERYL STRANGE, Secretary, Washington State Department of Corrections; JOHN DOE, 1, Officer, SCORE Jail; JOHN DOE, 2, Officer, SCORE Jail; JOHN DOE, 3, Officer, SCORE Jail; JOHN DOE, 4, Officer, SCORE Jail; JOHN DOE, 5, Officer, SCORE Jail; JOHN DOE, 6, Officer, SCORE Jail; JOHN DOE, 7, Officer, SCORE Jail; JOHN DOE, 8, Officer, SCORE Jail; PENNY BARTLETT, Director, SCORE Jail (2018); SCORE JAIL; WASHINGTON STATE DEPARTMENT

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

OF CORRECTIONS; TACOMA TOWING,
LLC,

Defendants-Appellees.

ROBERT JESSE HILL,

Plaintiff-Appellant,

v.

LISA FISCH, Administrative Assistant;
ANDREW STABITZ, Security Consultant,
Washington State Senate; SARAH
BANNISTER, Secretary, Washington State
Senate; SEAN HARTSOCK, Security
Consultant, Washington State House of
Representatives; KEVIN PIERCE, Director,
Legislative Support Services; LAURIE
JINKINS, Speaker of the House; BERNARD
DEAN, Clerk of the House; MEAGAN
ARNDT, Administrative Assistant;
SUZETTE COOPER, Administrative
Assistant; ASHLEY JACKSON,
Administrative Assistant; COCO CHANG,
Administrative Assistant; SHARRA
FINLEY, Administrative Assistant;
EGGLESTON, Trooper, Washington State
Patrol; JOHN DOE, 1, Sergeant, Washington
State Patrol,

Defendants-Appellees.

No. 22-35823

D.C. No. 3:22-cv-05320-RSM

Appeals from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted February 21, 2024**

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

In Appeal No. 22-35822, Washington state prisoner Robert Jesse Hill appeals pro se from the district court’s judgment dismissing for failure to state a claim his 42 U.S.C. § 1983 action alleging constitutional violations when he was detained in jail for violation of conditions of supervised release. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012). We affirm.

The district court properly dismissed Hill’s action as barred by the three-year statute of limitations, Wash. Rev. Code § 4.16.080(2), because his post-sentencing detention did not toll the limitations period. *See* Wash. Rev. Code § 4.16.190 (providing for tolling when, “at the time the cause of action accrued,” the plaintiff was “imprisoned on a criminal charge prior to sentencing”); *Rivas v. Overlake Hosp. Med. Ctr.*, 189 P.3d 753, 755-56 Wash. 2008) (en banc) (plaintiff must show that tolling requirement existed when cause of action accrued).

In Appeal No. 22-35823, Hill appeals pro se from the district court’s judgment dismissing for failure to state a claim his separate 42 U.S.C. § 1983

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

action challenging a condition of supervised release. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

The district court did not abuse its discretion in denying reconsideration because Hill failed to demonstrate any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for relief under Fed. R. Civ. P. 59(e) and 60(b)); *see also* Fed. R. App. P. 4(a)(4)(A).

All pending motions are denied.

AFFIRMED.