

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

MELONIECE M. DUKES,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 25-891

D.C. No. 2:25-cv-00284-JJT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John Joseph Tuchi, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Meloniece M. Dukes appeals pro se from the district court's judgment dismissing her action under the Federal Tort Claims Act ("FTCA") as barred by the statute of limitations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Gregg v. Hawaii, Dep't of Pub. Safety*, 870 F.3d 883, 886 (9th Cir. 2017)

* 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).

(dismissal on the basis of the applicable statute of limitations); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed Dukes's action as untimely because Dukes failed to allege facts sufficient to show that she presented her claim to the Department of Veterans Affairs within two years after the claim accrued or that she was otherwise entitled to equitable tolling. *See* 28 U.S.C. § 2401(b) (setting forth the two-year statute of limitations for presentment of claims under the FTCA); *Bennett v. United States*, 44 F.4th 929, 933 (9th Cir. 2022) (explaining that a medical malpractice claim under the FTCA accrues once "a plaintiff knows of both the existence of an injury and its cause" (citation and internal quotation marks omitted)); *Redlin v. United States*, 921 F.3d 1133, 1140 (9th Cir. 2019) (outlining the requirements for equitable tolling under the FTCA).

AFFIRMED.