

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 28 2026

FOR THE NINTH CIRCUIT

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

MELONIECE M. DUKES, individually,
and on behalf of all others similarly situated,

Plaintiff - Appellant,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendant - Appellee.

No. 25-889

D.C. No. 2:24-cv-02855-SMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan M. Brnovich, 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 order dismissing as time-barred her Fair Credit Reporting Act ("FCRA") action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the

* 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).

basis of the applicable statute of limitations and under Federal Rule of Civil Procedure 12(b)(6). *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004). We affirm.

The district court properly dismissed Dukes's action as time-barred because Dukes filed her complaint more than two years after her discovery of the violation. *See* 15 U.S.C. § 1681p (FCRA action must be filed two years after plaintiff discovers the violation, or five years after the violation occurs, whichever is earlier).

The district court did not abuse its discretion by dismissing without leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and stating that leave to amend may be denied where amendment would be futile).

The motion (Docket Entry No. 23) by Thomas N. Abbott to withdraw as counsel is granted.

AFFIRMED.