

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 3 2016

FOR THE NINTH CIRCUIT

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

ROBERT C. DENHAM, Jr.,

No. 15-35105

Plaintiff-Appellant,

D.C. No. 2:14-cv-00281-RMP

v.

MEMORANDUM*

RICHARD L. CEASE; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Washington
Rosanna Malouf Peterson, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Robert C. Denham, Jr., appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action challenging his 1973 state conviction for second degree assault. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal based on the applicable statute of limitations.

* 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).

Fink v. Shelder, 192 F.3d 911, 913-14 (9th Cir. 1999). We affirm.

The district court properly dismissed Denham's action as barred by the applicable three-year statute of limitations. *See* Wash. Rev. Code § 4.16.080 (three-year statute of limitations for personal injury actions); *Bagley v. CMC Real Estate Corp.*, 923 F.3d 758, 761-62 (9th Cir. 1991) (a § 1983 claim accrues when the plaintiff knows or has reason to know of the injury that forms the basis of the action).

The district court did not abuse its discretion in taking judicial notice of the state court documents from Denham's criminal case. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688-90 (9th Cir. 2001) (setting forth standard of review).

AFFIRMED.