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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GEORGE THOMAS WILKERSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>WORLD SAVINGS AND LOAN ASSOCIATION,</p> <p>Defendant - Appellee.</p>

No. 09-17293

D.C. No. 2:08-cv-02168-LKK-DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

George Thomas Wilkerson appeals pro se from the district court's judgment dismissing his action alleging various state-law claims concerning, *inter alia*, his home mortgage loan and the foreclosure of his home in 2001. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review de novo. *Silvas v. E*Trade Mortgage Corp.*, 514 F.3d 1001, 1003 (9th Cir. 2008). We affirm.

The district court properly dismissed the complaint. To the extent that Wilkerson's claims fall within the categories listed in 12 C.F.R. § 560.2(b), they are preempted by the Home Owners' Loan Act. *See Silvas*, 514 F.3d at 1004-06. His remaining claims are time-barred. *See Guaranty Trust Company of New York v. York*, 326 U.S. 99, 110-11 (1945) (in diversity cases, forum state law determines which state's statute of limitations governs); Cal. Civ. Proc. Code §§ 318, 337-39, 343 (setting forth relevant California statutes of limitations). Moreover, the district court did not abuse its discretion by dismissing the complaint without leave to amend because amendment would have been futile. *See Chaset v. Fleer/Skybox Int'l*, 300 F.3d 1083, 1087-88 (9th Cir. 2002).

Wilkerson's remaining contentions are unpersuasive.

Wilkerson's unopposed request for judicial notice is granted.

AFFIRMED.