

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 26 2012

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

FREDERICK JAMES STAVES,

Plaintiff - Appellant,

v.

THE CITY OF LOS ANGELES, a  
Municipal Corporation; et al.,

Defendants - Appellees.

No. 10-56910

D.C. No. 2:10-cv-00967-CJC-  
MLG

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Cormac J. Carney, District Judge, Presiding

Submitted April 17, 2012\*\*

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Frederick James Staves appeals pro se from the district court's judgment dismissing his action under 42 U.S.C. § 1983 and the Racketeer Influenced and Corrupt Organizations Act ("RICO") on statute of limitations grounds. We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 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, *Jones v. Blanas*, 393 F.3d 918, 926 (9th Cir. 2004), and we affirm.

The district court properly dismissed Staves's claims as time-barred because Staves filed this action over nine years after the claims accrued. *See Canatella v. Van De Kamp*, 486 F.3d 1128, 1132-33 (9th Cir. 2007) (civil rights claims that were more than one-year old as of January 1, 2003 are governed by California's previous one-year statute of limitations for personal injury claims); *Pincay v. Andrews*, 238 F.3d 1106, 1108 (9th Cir. 2001) (the statute of limitations for civil RICO actions is four years). Further, Staves failed to establish that he used due diligence to uncover the allegedly concealed facts. *See Volk v. D.A. Davidson & Co.*, 816 F.2d 1406, 1415-16 (9th Cir. 1987).

Staves's remaining contentions, including that the district court abused its discretion by denying his motion for a default judgment, are unpersuasive.

**AFFIRMED.**