

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 19 2013

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

TANYA LATRICE LAWRENCE,

Plaintiff - Appellant,

v.

BERRY, Doctor; et al.,

Defendants - Appellees.

No. 12-16118

D.C. No. 1:09-cv-01936-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dennis L. Beck, Magistrate Judge, Presiding**

Submitted February 11, 2013***

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

California state prisoner Tanya Latrice Lawrence appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action alleging

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Lawrence consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

deliberate indifference to her serious medical needs as barred by the statute of limitations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007). We affirm.

The district court properly dismissed Lawrence’s action as time-barred because all claims accrued more than four years before Lawrence filed her complaint. *See* Cal. Civ. Proc. Code §§ 335.1, 352.1(a) (two-year statute of limitations for personal injury claims; limitations period may be tolled for an additional two years for prisoners); *Knox v. Davis*, 260 F.3d 1009, 1012-13 (9th Cir. 2001) (§ 1983 actions are governed by the forum state’s statute of limitations; a claim accrues when the plaintiff knows or has reason to know of the injury which is the basis of the action; continuing impact from past violations does not cause a claim to accrue anew).

Lawrence’s motion requesting a “withdrawal and abeyance,” filed on July 27, 2012, is denied as unnecessary.

AFFIRMED.