

DEC 03 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANKLIN CARL PAULUS,

Plaintiff - Appellant,

v.

U.S. DEPARTMENT OF EDUCATION,

Defendant - Appellee.

No. 13-15620

D.C. No. 2:11-cv-00903-GMN-
VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, Chief Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Franklin Carl Paulus appeals pro se from the district court's summary judgment in his action challenging the Department of Education's denial of his request to discharge his federally guaranteed student loans. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Lawrence v. Dep't of Interior*, 525

* 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).

F.3d 916, 920 (9th Cir. 2008), and we affirm.

The district court properly concluded that the Higher Education Technical Amendments of 1991 (“HETA”), 20 U.S.C. § 1091a, applies to Paulus’s educational loans, and that Michigan’s statute of limitations does not apply to the Department’s debt collection efforts against Paulus. *See* 20 U.S.C. § 1091a(a)(2) (the United States may at any time bring an action for the repayment of a loan obtained under Title IV of the Higher Education Act and assigned to the Department); *United States v. Phillips*, 20 F.3d 1005, 1007 (9th Cir. 1994) (HETA retroactively abrogated all statutes of limitations on actions to collect defaulted federally guaranteed student loans).

We do not consider Paulus’s arguments regarding the Ex Post Facto Clause and the Tenth Amendment because they were raised for the first time on appeal. *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.