

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 29 2024

FOR THE NINTH CIRCUIT

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

JONATHAN A. SLAIKEU,

No. 23-35120

Plaintiff-Appellant,

D.C. No. 3:22-cv-00188-RRB

v.

MEMORANDUM\*

ALASKA DEPARTMENT OF  
CORRECTIONS; HAMILTON, First Name  
Unknown; Sergeant; BUNDY, First Name  
Unknown; CO; JONES, First Name  
Unknown; CO; CHRIS LYOU,  
Superintendent,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Alaska  
Ralph R. Beistline, District Judge, Presiding

Submitted March 26, 2024\*\*

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Alaska state prisoner Jonathan A. Slaikeu appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate

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\* 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).

indifference to his safety and due process violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal on the basis of the applicable statute of limitations. *Lukovsky v. City & County of San Francisco*, 535 F.3d 1044, 1047 (9th Cir. 2008). We affirm.

The district court properly dismissed Slaikeu's action because Slaikeu failed to file it within the applicable two-year statute of limitations, and failed to allege facts sufficient to show he was entitled to equitable tolling. *See Fink v. Shedler*, 192 F.3d 911, 914 (9th Cir. 1999) (§ 1983 claims are subject to the forum state's statute of limitations and tolling rules for personal injury claims); Alaska Stat. § 09.10.070 (providing two-year statute of limitations for personal injury claims); Alaska Stat. § 09.10.140(a) (incompetence required for tolling due to mental illness); *see also Jablon v. Dean Witter & Co.*, 614 F.2d 677, 682 (9th Cir. 1980) (a complaint may be dismissed as time-barred if the running of the statute of limitations is apparent on the face of the complaint).

Slaikeu's motion to seal (Docket Entry No. 30) is granted in part. The Clerk will maintain under seal Docket Entry Nos. 5, 8, 9, 12, 13, 20, 23, 24, 25, 28, 29, and 30.

Slaikeu's request for a copy of the documents he filed in this appeal, set forth in his opening brief, is granted. The Clerk will send a copy of Slaikeu's filings in this appeal to him. The remainder of Slaikeu's requests set forth in the opening brief are denied.

All other pending motions and requests are denied.

**AFFIRMED.**