

SEP 27 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANDRE B. YOUNG,

Plaintiff - Appellant,

v.

JOSEPH LEHMAN,

Defendant - Appellee.

No. 06-35161

D.C. No. CV-04-05826-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Andre B. Young, a former Washington state prisoner and current civil detainee, appeals pro se from the district court's judgment dismissing as time-barred his 42 U.S.C. § 1983 action alleging that he was unlawfully detained past

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

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

his earned early release date. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo dismissals on statute of limitations grounds, *Jones v. Blanas*, 393 F.3d 918, 926 (9th Cir. 2004), and we affirm.

The district court properly determined that Young's section 1983 action was barred by Washington's three-year statute of limitations, *see* Wash. Rev. Code § 4.16.080(2); *Bagley v. CMC Real Estate Corp.*, 923 F.2d 758, 760 (9th Cir. 1991), because Young had reason to know of his injury over three years prior to filing his action, *see id.* at 760-61, and because he failed to establish a basis for equitable tolling, *see Millay v. Cam*, 955 P.2d 791, 797 (1998) ("The predicates for equitable tolling are bad faith, deception, or false assurances by the defendant and the exercise of diligence by the plaintiff.").

AFFIRMED.