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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DIANE CALLANS, Plaintiff - Appellant, v. UNITED STATES POSTAL SERVICE and DALE MORIOKA, Defendants - Appellees.	No. 07-15561 D.C. No. CV-06-00006-SBA MEMORANDUM [*]

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted January 13, 2009 [**]

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Diane Callans appeals from the district court's order dismissing her action brought under *Bivens v. Six Unknown Named Agents of the Federal Bureau of*

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

/Research

Narcotics, 403 U.S. 388 (1971), for lack of subject matter jurisdiction. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Orsay v. U.S. Dep't of Justice*, 289 F.3d 1125, 1128 (9th Cir. 2002), and affirm.

The district court properly determined that it lacked subject matter jurisdiction over Callans's employment claims because she was a "preference eligible" employee of the Postal Service, and could therefore seek redress through the Civil Service Reform Act of 1978 ("CSRA"). *See* 5 U.S.C. § 7511(a)(1)(B)(ii); 5 U.S.C. § 2108(3); *U.S. Postal Service v. Gregory*, 534 U.S. 1, 4-5 (2001) ("Because [Gregory] previously served in the Army, she falls into the category of 'preference eligible' Postal Service employees covered by [the CSRA]."); *Orsay*, 289 F.3d at 1128 ("If the conduct that Appellants challenge in this action falls within the scope of the CSRA's 'prohibited personnel practices,' then the CSRA's administrative procedures are Appellants' only remedy."); *Saul v. United States*, 928 F.2d 829, 840 (9th Cir. 1991) ("[T]he CSRA is a special factor counseling against recognition of a *Bivens* remedy for [federal employees].").

Callans's remaining contentions are unavailing.

AFFIRMED.