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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NATHAN COLODNEY,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>MICHAEL O. LEAVITT, Secretary, U.S. Department of Health and Human Services,</p> <p style="text-align: center;">Defendant - Appellee.</p>
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No. 07-17214

D.C. No. CV-07-00889-ECR/RJJ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Edward C. Reed, District Judge, Presiding

Submitted January 13, 2009\*\*

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

Nathan Colodney appeals pro se from the district court's judgment  
dismissing his action seeking judicial review of a federal employment decision

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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).

under the Administrative Procedure Act (“APA”), 5 U.S.C. § 702. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for lack of subject matter jurisdiction. *Orsay v. U.S. Dep't of Justice*, 289 F.3d 1125, 1128 (9th Cir. 2002). We affirm.

The district court properly dismissed the action because the Civil Service Reform Act (“CSRA”) precludes APA review of Colodney’s claims. *See Veit v. Heckler*, 746 F.2d 508, 511 (9th Cir. 1984) (holding that APA review of CSRA grievances was improper because “the comprehensive nature of the procedures and remedies provided by the CSRA indicates a clear congressional intent to permit federal court review as provided in the CSRA or not at all.”); *see also Mahtesian v. Lee*, 406 F.3d 1131, 1134 (9th Cir. 2005) (explaining that the CSRA applies to employees authorized to make recommendations and collect their evaluations).

**AFFIRMED.**