

AUG 31 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTINE CHANG, individually and as  
guardian ad litem for Eric Sun, disabled,

Plaintiff - Appellant,

and

ERIC SUN, disabled,

Plaintiff,

v.

ROCKRIDGE MANOR  
CONDOMINIUM; et al.,

Defendants - Appellees.

No. 08-16753

D.C. No. 3:07-cv-04005-EMC

MEMORANDUM \*

Appeal from the United States District Court  
for the Northern District of California  
Edward M. Chen, Magistrate Judge, Presiding \*\*

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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 parties consented to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c).

Submitted August 20, 2009<sup>\*\*\*</sup>

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Christine Chang appeals pro se from the district court's judgment in her action alleging violations of 42 U.S.C. § 1983 and various state laws, and conspiracy to violate her rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Shanks v. Dressel*, 540 F.3d 1082, 1086 (9th Cir. 2008), and we affirm.

The district court properly granted summary judgment for the Rockridge Manor defendants because Chang's claims are barred by the release Chang executed in connection with the settlement of her state court action against these defendants. *See Marder v. Lopez*, 450 F.3d 445, 449-50 (9th Cir. 2006) (discussing release of claims under California law).

The district court properly dismissed the claims against the University defendants because some of Chang's claims are time-barred, *see* Cal. Civ. Proc. Code § 335.1 (two-year statute of limitations for assault, battery, and personal injury), and the remaining claims fail to state a claim for relief, *see Shanks*, 540

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<sup>\*\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, we deny appellant's motion for oral argument.

F.3d at 1090 (elements of a procedural due process claim under section 1983); *Rusheen v. Cohen*, 128 P.3d 713, 718 (Cal. 2006) (elements of an abuse of process claim under California law); *Lazar v. Superior Court*, 909 P.2d 981, 984 (Cal. 1996) (elements of a fraud claim under California law).

The district court did not abuse its discretion by declining to exercise supplemental jurisdiction over Chang's state law claims against the attorney defendants. *See* 28 U.S.C. § 1367(c)(3); *see also Ove v. Gwinn*, 264 F.3d 817, 826 (9th Cir. 2001) (explaining that a district court may decline to exercise supplemental jurisdiction over related state law claims after it dismisses the claims over which it has original jurisdiction).

We decline to consider Chang's contentions raised for the first time in her reply brief. *See Cedano-Viera v. Ashcroft*, 324 F.3d 1062, 1066 n.5 (9th Cir. 2003).

Chang's remaining contentions are unpersuasive.

**AFFIRMED.**