

1 GREGORY GOODS AA6797

2 P.O. BOX 4430/A-4-137

3 LANCASTER , CA 93539

6 IN THE SUPREME COURT OF THE UNITED STATES

8 GREGORY GOODS,
9 PLAINTIFF-APPELLANT.

10 v.

11 DAVID BAUGHMAN, ET AL.,
12 DEFENDANTS=APPELLEES, APPELLEES.

No. 20-15365
D.C. No. 2:18-CV-00732-JAM-EFB
MOTION FOR EXTENSION OF TIME
TO FILE WRIT OF CERTIORARI FROM
DENIAL OF REHEARING EN-BANC!

13 Plaintiff/Appellant at this time request for an extension of time to file
14 to file writ of certiorari from the denial of rehearing en-banc on [7/18/22],
15 and received by plaintiff on [7/29/22]! Plaintiff request for a extension of
16 time due to other litigation at this time, which requires plaintiff to seek such
17 request at this time due to conflicting deadlines of other litigation, please
18 advise!

19 This request is being made pursuant to (Rule-29-Sec-2), and in compliance with
20 [28-U.S.C. § 1746].



NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 22 2022

FOR THE NINTH CIRCUIT

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

GREGORY GOODS,

Plaintiff-Appellant,

v.

DAVID BAUGHMAN, Warden; et al.,

Defendants-Appellees.

No. 20-15365

D.C. No. 2:18-cv-00732-JAM-EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

California state prisoner Gregory Goods appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging excessive force and deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Gregg v. Haw. Dep't of Pub. Safety*,

* 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).

870 F.3d 883, 886 (9th Cir. 2017) (dismissal as time-barred); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal under 28 U.S.C. § 1915A). We affirm.

The district court properly dismissed Goods's action because Goods failed to file his action within the two-year statute of limitations or establish any basis for tolling. *See Wallace v. Kato*, 549 U.S. 384, 387, 394 (2007) (federal courts in § 1983 actions apply the state statute of limitations and borrow applicable tolling provisions from state law); *see also* Cal. Civ. Proc. Code §§ 335.1, 352.1, 352(a) (setting forth two-year statute of limitations for personal injury claims, a two-year maximum statutory tolling due to imprisonment, and the availability of tolling for mental incapacity); *Cervantes v. City of San Diego*, 5 F.3d 1273, 1275-1277 (9th Cir. 1993) (stating California's three-pronged test for equitable tolling and explaining that dismissal may be appropriate when it is evident from the face of the complaint that equitable tolling is unavailable as a matter of law).

AFFIRMED.

UNITED STATES COURT OF APPEALS

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JUL 18 2022

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GREGORY GOODS,

Plaintiff-Appellant,

v.

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Defendants-Appellees.

No. 20-15365

D.C. No. 2:18-cv-00732-JAM-EFB
Eastern District of California,
Sacramento

ORDER

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. Civ. P. 35.

Goods's petition for rehearing en banc (Docket Entry No. 29) is denied.

No further filings will be entertained in this closed case.

PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, GREGORY GOODS AA6797, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

P.O. BOX 4430/A-4-137

LANCASTER, CA 93539

On, OCTOBER 3RD, MONDAY, 2022, I served the following documents:

MOTION FOR EXTENSION OF TIME TO FILE WRIT OF CERTIORARI FROM DENIAL OF REHEARING EN-BANC.

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Soledad, California, with postage fully prepaid thereon, addressed as follows:

1. SUPREME COURT OF THE UNITED STATES.

1 FIRST STREET, N.E.

WASHINGTON, D.C. 20543

I have read the above statements and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 3rd day of OCTOBER, 2022, at California State Prison - CSP - L.A. COUNTY, LANCASTER California.

(Signature)

Gregory Goods