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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BETTY THACKER,

Plaintiff - Appellee,

v.

STANDARD INSURANCE COMPANY,

Defendant - Appellant.

No. 09-55182

D.C. No. 2:08-cv-05861-PSG-CW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Standard Insurance Company appeals from the district court's order
dismissing the action for lack of subject matter jurisdiction on the ground that the

* 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). Accordingly, appellant's request for oral argument is denied.

parties are not diverse. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Co-Efficient Energy Sys. v. CSL Indus., Inc.*, 812 F.2d 556, 557 (9th Cir. 1987). We vacate and remand.

The district court concluded that there is no diversity jurisdiction because Standard Insurance Company's principal place of business is in California. In light of our subsequent decision in *Davis v. HSBC Bank Nevada, N.A.*, 557 F.3d 1026, 1029-30 (9th Cir. 2009), we vacate the order dismissing the action, and remand this matter to the district court for further consideration.

The parties shall bear their own costs on appeal.

VACATED and REMANDED.