

JUL 23 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VERONICA R. PEARSON,

Plaintiff - Appellant,

v.

DANNY BRACE, ESQ., et al.,

Defendants - Appellees.

No. 08-15255

D.C. No. CV-06-02505-FCD/DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, Jr., District Judge, Presiding

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Veronica R. Pearson appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction her action for legal malpractice.

* 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).

We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Peralta v. Hispanic Bus., Inc.*, 419 F.3d 1064, 1068 (9th Cir. 2005), and we affirm.

The district court properly dismissed the action because the amended complaint does not allege facts to support federal question or diversity jurisdiction. *See id.* (“In civil cases, subject matter jurisdiction is generally conferred upon federal district courts either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28 U.S.C. § 1331.”); *see also Vaden v. Discover Bank*, ___ U.S. ___, 129 S. Ct. 1262, 1272 (2009) (explaining that section 1331 confers jurisdiction over civil actions “arising under” federal law and that an action “arises under” federal law only where the plaintiff’s statement of the claim shows that the claim is based on federal law).

Pearson’s remaining contentions are unpersuasive.

AFFIRMED.