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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTIAN JOUBERT, Personal
Representative of the Maria Joubert Estate
Acting pro se and individually,

Plaintiff - Appellant,

v.

BROWN WILLIAMSON TOBACCO
CORP.; et al.,

Defendants.

No. 10-35713

D.C. No. 2:10-cv-00887-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Christian Joubert appeals pro se from the district court's order dismissing his action alleging state law claims arising from the death of his mother. We have

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction. *Shanks v. Dressel*, 540 F.3d 1082, 1086 (9th Cir. 2008). We review for an abuse of discretion the district court’s dismissal without leave to amend. *Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010). We affirm.

The district court properly dismissed Joubert’s action for lack of subject matter jurisdiction because Joubert alleged neither a federal question nor complete diversity between the parties. *See* 28 U.S.C. §§ 1333-1332.

The district court did not abuse its discretion by dismissing Joubert’s action without leave to amend after concluding that amendment would be futile. *See Simon v. Hartford Life and Accident Ins. Co.*, 546 F.3d 661, 664 (9th Cir. 2008) (“[C]ourts have routinely adhered to the general rule prohibiting pro se plaintiffs from pursuing claims on behalf of others in a representative capacity.”)

Joubert’s remaining contentions are unpersuasive.

AFFIRMED.