

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 15 2012

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

MANI SUBRAMANIAN, an individual,

Plaintiff - Appellant,

v.

CRYSTAL DECISIONS, INC., a
Delaware corporation; et al.,

Defendants - Appellees.

No. 10-15032

D.C. No. 5:03-cv-04578-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted July 19, 2012**

Before: HUG, FARRIS, and LEAVY, Circuit Judges.

Mani Subramanian appeals pro se the district court judgment granting appellees' motion to dismiss. We have jurisdiction under 28 U.S.C. § 1291. We review *de novo* the grant of a motion to dismiss, *Knievel v. ESPN*, 393 F.3d 1068,

* 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).

1072 (9th Cir. 2005), and we review for abuse of discretion the denial of a motion to amend or alter the judgment under Fed. R. Civ. P. 59(e), *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). We affirm.

The district court properly afforded comity to the judgment of the English court because Subramanian failed to establish that the procedures afforded him by the English court were deficient or fundamentally unfair. *British Midland Airways Ltd. v. Int'l Travel Inc.*, 497 F.2d 869, 870-71 (9th Cir. 1974). To permit Subramanian to pursue litigation here in violation of negotiated forum-selection clauses would frustrate a policy of United States courts. *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.*, 473 U.S. 614, 629-31 (1985); *E & J Gallo Winery v. Andina Licores, S.A.*, 446 F.3d 984, 993 (9th Cir. 2006); *Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d 1199, 1213-14 (9th Cir. 2006).

The district court did not abuse its discretion in denying Subramanian's motion to amend or alter the judgment because Subramanian presented no newly discovered evidence or intervening change in the law and the decision was not clearly erroneous or manifestly unjust. *Spectrum Worldwide, Inc.*, 555 F.3d at 780.

Subramanian's remaining contentions are unpersuasive.

Subramanian's motion to strike portions of the appellees' answering brief is denied.

AFFIRMED.