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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARMEN SUAREZ-SMITH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>BAC HOME LOAN SERVICING, LP; et al.,</p> <p>Defendants - Appellees.</p>
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No. 11-17509

D.C. No. 2:11-cv-00201-GMN-
PAL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Carmen Suarez-Smith appeals pro se from the district court’s order dismissing her complaint with leave to amend in her action arising out of foreclosure proceedings. We must raise the question of our jurisdiction sua sponte.

* 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).

WMX Tech., Inc. v. Miller, 104 F.3d 1133, 1135 (9th Cir. 1997) (en banc). We dismiss for lack of appellate jurisdiction.

The district court dismissed Suarez-Smith's complaint with leave to amend by November 14, 2011. Rather than filing an amended complaint or obtaining a final order of dismissal from the district court, Suarez-Smith filed a notice of appeal. We therefore lack jurisdiction. *See id.* at 1135-37 (a district court's dismissal that expressly grants leave to amend is not final, and a further district court determination must be obtained before such a case becomes appealable).

DISMISSED.