

AUG 21 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHANIE McGEE,

Plaintiff - Appellant,

v.

DEPARTMENT OF CHILD SUPPORT
SERVICES, STATE OF CALIFORNIA
STATE BUREAU OF CHILD SUPPORT
ENFORCEMENT,

Defendants - Appellees.

No. 13-16131

D.C. No. 4:12-cv-03764-YGR

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Yvonne Gonzalez Rogers, District Judge, Presiding

Submitted August 13, 2014**

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

Stephanie McGee appeals pro se from the district court's order denying her leave to proceed in forma pauperis ("IFP") in her action concerning child support

* 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).

payments. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's finding that it lacked subject matter jurisdiction, *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024, 1027 (9th Cir. 2011), and for an abuse of discretion the district court's denial of leave to proceed IFP, *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). We affirm.

The district court properly concluded that it lacked subject matter jurisdiction over McGee's action. See 28 U.S.C. § 1332(a) (requiring complete diversity of citizenship); *K2 Am. Corp.*, 653 F.3d at 1029 (discussing requirements for federal question jurisdiction under 28 U.S.C. § 1331); see also *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[A] court may raise the question of subject matter jurisdiction, *sua sponte*, at any time during the pendency of the action” (citation and internal quotation marks omitted)). Accordingly, the district court did not abuse its discretion by denying McGee's request to proceed IFP because it appears from the face of the amended complaint that McGee's action is frivolous or without merit. See *Minetti*, 152 F.3d at 1115 (concluding that district court did not abuse its discretion by denying IFP application where plaintiff lacked standing).

AFFIRMED.