

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2016

FOR THE NINTH CIRCUIT

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

JONATHAN AARON COHEN,

Plaintiff-Appellant,

v.

LORETTA E. LYNCH, Attorney General,

Defendant-Appellee.

No. 15-55669

D.C. No. 3:14-cv-01609-BAS-  
MDD

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Cynthia A. Bashant, District Judge, Presiding

Submitted September 13, 2016\*\*

Before: HAWKINS, N.R. SMITH, and HURWITZ, Circuit Judges.

Jonathan Aaron Cohen appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action seeking a declaratory judgment that he will not be criminally sanctioned under federal or state law for transporting, in the course of his business, cannabis for medical purposes. We

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for lack of subject matter jurisdiction. *Aydin Corp. v. Union of India*, 940 F.2d 527, 527 (9th Cir. 1991). We affirm.

The district court properly dismissed Cohen's action for lack of subject matter jurisdiction because Cohen failed to establish an injury as required for Article III standing. *See Hillblom v. United States*, 896 F.2d 426, 430-31 (9th Cir. 1990) (plaintiffs' allegations were "premised on potential future acts" and subsequently insufficient to establish an "injury which warrants judicial intervention"); *Aydin Corp.*, 940 F.2d at 527-28 (declaratory relief is proper only when there is an actual case or controversy); *see also Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (setting forth the elements of Article III standing).

In light of our disposition, we do not address Cohen's Statement on Oral Argument, filed August 17, 2015.

**AFFIRMED.**