

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 4 2016

FOR THE NINTH CIRCUIT

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

CHRISTINE WONG,

Plaintiff-Appellant,

v.

ELLEN ANDERSON, AKA The Harrison
Team; et al.,

Defendants-Appellees.

No. 15-15807

D.C. No. 3:14-cv-05524-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted September 27, 2016**

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Christine Wong appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction her action seeking specific performance of a real estate purchase agreement. We review de novo. *Scholastic Entm't, Inc. v. Fox*

* 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).

Entm't Grp., Inc., 336 F.3d 982, 985 (9th Cir. 2003). We affirm.

The district court properly dismissed Wong's action for lack of subject matter jurisdiction because Wong did not present a federal question on the face of her amended complaint. *See Rivet v. Regions Bank of La.*, 522 U.S. 470, 475 (1998) (plaintiff must present a federal question on the face of a properly pleaded complaint).

For the same reason, the district court did not abuse its discretion in denying Wong's motion for reconsideration of the order dismissing her action. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) (setting forth standard of review).

The district court did not abuse its discretion in dismissing Wong's action without leave to amend. *See Steckman v. Hart Brewing, Inc.*, 143 F.3d 1293, 1298 (9th Cir. 1998) (leave to amend not required "where the amended complaint would also be subject to dismissal"); *see also Chodos v. W. Publ'g Co.*, 292 F.3d 992, 1003 (9th Cir. 2002) (setting forth standard of review).

We reject as without merit Wong's contention that the district court improperly dismissed the action without first holding a hearing. *See Scholastic Entm't, Inc.*, 336 F.3d at 985 ("While a party is entitled to notice and an

opportunity to respond when a court contemplates dismissing a claim on the merits, it is not so when the dismissal is for lack of subject matter jurisdiction.”

(citations omitted)).

AFFIRMED.