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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LIONEL TALBOT,

Plaintiff-Appellant,

v.

ROBERT A. McDONALD, Secretary of  
Veterans Affairs,

Defendant-Appellee.

No. 14-35835

D.C. No. 9:14-cv-00127-DLC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Dana L. Christensen, Chief Judge, Presiding

Submitted October 25, 2016\*\*

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Lionel Talbot appeals pro se from the district court's judgment dismissing his action seeking veterans' benefits. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for lack of subject matter

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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).

jurisdiction. *Naffe v. Frey*, 789 F.3d 1030, 1035 (9th Cir. 2015). We affirm.

The district court properly concluded that it lacked jurisdiction because the Veterans' Judicial Review Act precludes district court jurisdiction over claims relating to or affecting veterans' benefits decisions. *See Veterans for Common Sense v. Shinseki*, 678 F.3d 1013, 1025 (9th Cir. 2012) (en banc).

Talbot's pending request regarding the February 26, 2015 order, set forth in the opening brief, is denied.

**AFFIRMED.**