

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 13 2017

FOR THE NINTH CIRCUIT

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

RITA MEDELLIN, On Behalf of Herself
and All Others Similarly Situated,

Plaintiff-Appellant,

v.

IKEA U.S.A. WEST, INC.,

Defendant-Appellee.

No. 15-55174

D.C. No.

3:11-cv-00701-BAS-BGS

ORDER*

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

Submitted January 11, 2017**
Pasadena, California

Before: TALLMAN and FRIEDLAND, Circuit Judges, and FABER,*** Senior
District Judge.

* 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).

*** The Honorable David A. Faber, Senior United States District Judge
for the Southern District of West Virginia, sitting by designation.

Rita Medellin appeals the district court’s order decertifying her putative class action alleging violations of California’s Song-Beverly Credit Card Act of 1971, Cal. Civ. Code § 1747.08. Medellin concedes that she alleged only a bare procedural violation of the statute and suffered no other cognizable harm. A plaintiff cannot “allege a bare procedural violation, divorced from any concrete harm, and satisfy the injury-in-fact requirement of Article III.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1549 (2016). Because Medellin lacks standing, we vacate the district court’s judgment and remand with instructions that the district court dismiss this action without prejudice for lack of standing.

The motions pending at docket numbers 22 and 37 are denied as moot. Each party shall bear its own costs on appeal.

VACATED AND REMANDED.