

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 27 2017

FOR THE NINTH CIRCUIT

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

ARIKA HAYES, AKA Swiss Barbie Bone,

No. 13-55836

Plaintiff-Appellant,

D.C. No. 2:12-cv-07974-GW-
MAN

v.

KANYE WEST,

MEMORANDUM *

Defendant,

and

VIACOM INC., Erroneously Sued as
Viacom; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

* 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).

Arika Hayes appeals pro se from the district court's order dismissing her copyright infringement action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Hayes' action because Hayes failed to allege facts sufficient to show she was the owner of a valid copyright. *See* 17 U.S.C. § 411(a) (no action for infringement of the copyright shall be instituted until "preregistration or registration of the copyright claim shall have been made in accordance with this title"); *L.A. Printex Indus., Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 852 (9th Cir. 2012) ("Copyright registration is a precondition to filing a copyright infringement action.").

We lack jurisdiction to consider the district court's order denying Hayes' motions for reconsideration because Hayes failed to file a new or amended notice of appeal from that order. *See* Fed. R. App. P. 4(a)(4)(B)(ii); *TAAG Linhas Aereas de Angola v. Transamerica Airlines, Inc.*, 915 F.2d 1351, 1354 (9th Cir. 1990) (concluding that "an appeal specifically from the ruling on the [Rule 60(b)] motion must be taken if the issues raised in that motion are to be considered by the Court of Appeals").

We reject as without merit Hayes' contention that the district judge was biased.

Hayes' request filed on May 9, 2014, and her motion filed on January 4, 2017, are denied.

AFFIRMED.