

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 20 2017

FOR THE NINTH CIRCUIT

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

DOLORES MARTINEZ,

Plaintiff-Appellant,

v.

NAVY LEAGUE OF THE UNITED
STATES,

Defendant-Appellee.

No. 14-56682

D.C. No. 2:13-cv-05533-ODW-
FFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Dolores Martinez appeals pro se from the district court's summary judgment in her diversity action seeking damages for negligence related to a trip and fall accident. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Colwell v. Bannister*, 763 F.3d 1060, 1065 (9th Cir. 2014). We affirm.

* 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 district court properly granted summary judgment because Martinez failed to raise a genuine dispute of material fact as to whether defendant owed her a duty of care. *See Ortega v. Kmart Corp.*, 36 P.3d 11, 14 (Cal. 2001) (elements of a premises liability negligence claim under California law); *Sprecher v. Adamson Cos.*, 636 P.2d 1121, 1126 (Cal. 1981) (“[T]he duty to take affirmative action for the protection of individuals coming upon the land is grounded in the possession of the premises and the attendant right to control and manage the premises.”).

The district court did not abuse its discretion by denying Martinez’s motion for reconsideration because Martinez failed to establish grounds for such relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration under Fed. R. Civ. P. 59(e)).

We reject as unsupported by the record Martinez’s contention that the district court was biased against her.

AFFIRMED.