

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 31 2017

FOR THE NINTH CIRCUIT

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

BRIDGETTE A. SMITH,

No. 16-16824

Plaintiff-Appellant,

D.C. No. 2:16-cv-02882-ESW

v.

MEMORANDUM\*

ARIZONA MEDICAL BOARD,

Defendant-Appellee.

Appeal from the United States District Court  
for the District of Arizona  
Eileen S. Willett, Magistrate Judge, Presiding\*\*

Submitted May 24, 2017\*\*\*

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,  
Circuit Judges.

Bridgette A. Smith appeals pro se from the district court's order dismissing her action alleging claims against the Arizona Medical Board. We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* Smith consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1086 (9th Cir. 2014) (dismissal for lack of subject matter jurisdiction); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (dismissal under 28 U.S.C. § 1915(e)(2)). We affirm.

The district court properly dismissed without prejudice Smith’s action for lack of subject matter jurisdiction because Smith failed to allege any violation of federal law or diversity of citizenship in her complaint. *See* 28 U.S.C. §§ 1331, 1332(a)(1); *Wander v. Kaus*, 304 F.3d 856, 858 (9th Cir. 2002) (discussing requirements for federal question jurisdiction under § 1331); *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1181-83 (9th Cir. 2004) (addressing diversity of citizenship under § 1332).

We do not consider documents not filed with the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) (“Documents or facts not presented to the district court are not part of the record on appeal.”).

**AFFIRMED.**