

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 21 2018

FOR THE NINTH CIRCUIT

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

KIM PECK,

Plaintiff-Appellant,

v.

CINCINNATI INSURANCE COMPANY,
an Ohio corporation,

Defendant-Appellee.

No. 17-35781

D.C. No. 1:14-cv-00500-BLW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief Judge, Presiding

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

Kim Peck appeals pro se from the district court's summary judgment in her diversity action arising out of the denial of insurance claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Glacier Fish Co. v. Pritzker*, 832 F.3d 1113, 1120 (9th Cir. 2016). 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 on Peck's breach of contract claim because Peck failed to raise a genuine dispute of material fact as to whether appellee failed to pay Peck any amount owed under Peck's insurance policy. *See Miller v. Belknap*, 266 P.2d 662, 665 (Idaho 1954) (explaining that plaintiff bears the burden of proving her right to recover by a preponderance of the evidence).

We reject as without merit Peck's contention that the district court was biased.

Peck's motion to transmit exhibits (Docket Entry No. 8) is denied as unnecessary.

Appellee's motion to strike (Docket Entry No. 34) is denied.

AFFIRMED.