

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2021

FOR THE NINTH CIRCUIT

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

GONZALO R. RUBANG, Jr.,

Plaintiff-Appellant,

v.

ERIC R. BROOKS; et al.,

Defendants-Appellees.

No. 20-15558

D.C. No. 2:18-cv-02351-TLN-DB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Gonzalo R. Rubang, Jr. appeals pro se from the district court's judgment dismissing his action arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for lack of subject matter jurisdiction. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d

* 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).

1082, 1086 (9th Cir. 2014). We affirm.

The district court properly dismissed without prejudice Rubang's action for lack of subject matter jurisdiction because Rubang failed to allege any violation of federal law or diversity of citizenship in his fourth amended complaint. *See* 28 U.S.C. §§ 1331, 1332(a)(1); *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1181-83 (9th Cir. 2004) (addressing diversity of citizenship under § 1332); *Wander v. Kaus*, 304 F.3d 856, 858-59 (9th Cir. 2002) (discussing requirements for federal question jurisdiction under § 1331).

We reject as unsupported by the record Rubang's contention that the district court failed to consider his fifth amended complaint.

All pending motions and requests are denied.

AFFIRMED.