

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 18 2023

FOR THE NINTH CIRCUIT

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

CRAIG EUGENE RAMSELL; MONNIE
RAMSELL,

Plaintiffs-Appellants,

v.

WELLS FARGO BANK, N.A., as trustee
for: trustee of Banc of America Mortgage
Pass-Through Certificates, Series 2003-K;
BANC OF AMERICA MORTGAGE
SECURITIES INCORPORATED PASS-
THROUGH CERTIFICATES, SERIES
2003-K TRUST; 50 BRONCO DRIVE,
SEDONA, AZ; UNITED STATES OF
AMERICA,

Defendants-Appellees.

No. 22-16405

D.C. No. 3:22-cv-08119-DWL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Dominic Lanza, District Judge, Presiding

Submitted October 10, 2023**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, 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).

Craig Eugene Ramsell and Monnie Ramsell appeal pro se from the district court's judgment dismissing their action concerning ownership of real property in Arizona. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's determination that it lacked subject matter jurisdiction. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1086 (9th Cir. 2014). We affirm.

The district court properly dismissed the Ramsells' action for lack of subject matter jurisdiction because the Ramsells failed to allege a federal question or diversity of citizenship. *See* 28 U.S.C. §§ 1331, 1332(a); *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (federal courts "have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party"); *Ass'n of Am. Med. Colls. v. United States*, 217 F.3d 770, 778-79 (9th Cir. 2000) (the party asserting jurisdiction bears the burden of establishing it); *see also Guzman v. Polaris Indus. Inc.*, 49 F.4th 1308, 1313 (9th Cir. 2022) ("Equitable jurisdiction is distinct from subject matter jurisdiction, although both are required for a federal court to hear the merits of an equitable claim.").

AFFIRMED.