

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2255

GWENDOLYN A. SPENCE,

Plaintiff - Appellant,

v.

FORD MOTOR COMPANY; FORD MOTOR COMPANY INSURANCE COMPANY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda L. Wright Allen, District Judge. (2:15-cv-00069-AWA-LRL)

Submitted: February 25, 2016

Decided: February 29, 2016

Before SHEDD and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gwendolyn A. Spence, Appellant Pro Se. Barry Dorans, WOLCOTT RIVERS & GATES, Virginia Beach, Virginia; Paul D. Hudson, MILLER, CANFIELD, PADDOCK & STONE, PLC, Kalamazoo, Michigan, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gwendolyn A. Spence appeals the district court's order dismissing her complaint for lack of subject-matter jurisdiction. We affirm.

We review de novo a district court's dismissal for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Demetres v. East West Const., Inc., 776 F.3d 271, 272 (4th Cir. 2015). A plaintiff has the burden of establishing subject-matter jurisdiction. Id.

Spence's complaint alleges federal-question and intellectual-property jurisdiction under 28 U.S.C. §§ 1331, 1338(a) (2012), but her claims are all based on state law and do not contain any intellectual-property claims. Although the parties are diverse, Spence did not allege a dollar amount in her complaint. See JTH Tax, Inc. v. Frashier, 624 F.3d 635, 638 (4th Cir. 2010) ("Courts generally determine the amount in controversy by reference to the plaintiff's complaint."); see also Grupo Dataflux v. Atlas Glob. Grp., L.P., 541 U.S. 567, 570-71 (2004) ("It has long been the case that the jurisdiction of the court depends upon the state of things at the time of the action brought."). Thus, we conclude that the district court correctly found itself without subject-matter jurisdiction.

Accordingly, although we grant Spence's motion for leave to file untimely opposition reply brief, we affirm the judgment of

the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED