

United States Court of Appeals
For the Eighth Circuit

No. 12-3717

Blondell Mitchell

Plaintiff - Appellant

v.

Media Com; Rick Sanchez; Cable News Network; Time Warner, Inc.; CNN Board
of Directors; Time Warner Board of Directors

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: May 28, 2013

Filed: July 1, 2013

[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Blondell Mitchell appeals the district court's¹ order dismissing her action for lack of subject matter jurisdiction, and denying her motions to amend her complaint and for default judgment. After careful consideration, see A.J. v. UNUM, 696 F.3d 788, 789 (8th Cir. 2012) (per curiam) (de novo review of Federal Rule of Civil Procedure 12(b)(1) dismissals), we conclude dismissal was proper, given that the parties are not completely diverse and Mitchell failed to present a federal question, see 28 U.S.C. § 1331 (federal courts have jurisdiction over civil actions presenting federal question); OnePoint Solutions, LLC v. Borchert, 486 F.3d 342, 346 (8th Cir. 2007) (diversity jurisdiction under 28 U.S.C. § 1332(a) requires complete diversity among litigants); see also Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (complaint must state “more than an unadorned, the-defendant-unlawfully-harmed-me accusation”; conclusory statements of law are insufficient to support claim). Because her proposed complaint amendments were futile, we conclude the district court did not abuse its discretion by denying her motion to amend, see Cont’l Holdings, Inc. v. Crown Holdings Inc., 672 F.3d 567, 574 (8th Cir. 2012) (standard of review); and because the court lacked jurisdiction, we conclude it did not abuse its discretion by denying her motion for default judgment, see Weitz Co. v. MacKenzie House, LLC, 665 F.3d 970, 977 (8th Cir. 2012) (standard of review).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

¹The Honorable Ronald E. Longstaff, United States District Judge for the Southern District of Iowa, adopting the report and recommendations of the Honorable Thomas J. Shields, United States Magistrate Judge for the Southern District of Iowa.