

DEC 03 2014

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN E. LEMONS,

Plaintiff - Appellant,

v.

DIV OF CHILD SUPPORT DATA  
GATHERING UNIT; et al.,

Defendants - Appellees.

No. 10-35839

D.C. No. 2:10-cv-01129-JCC

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
John C. Coughenour, District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

John E. Lemons appeals pro se from the district court's order dismissing his action arising from a paternity dispute and resulting tax refund offset for failure to pay child support. We have jurisdiction under 28 U.S.C. § 1291. We review de

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

novo. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1086 (9th Cir. 2014) (dismissal for lack of subject matter jurisdiction); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (dismissal under 28 U.S.C. § 1915(e)(2)). We affirm.

The district court properly dismissed without prejudice Lemons's action for lack of subject matter jurisdiction because Lemons failed to allege any violation of federal law or diversity of citizenship in his complaint. *See* 28 U.S.C. §§ 1331, 1332(a)(1); *Provincial Gov't of Marinduque v. Placer Dome, Inc.*, 582 F.3d 1083, 1086-87 (9th Cir. 2009) (discussing requirements for federal question jurisdiction under § 1331); *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1181-83 (9th Cir. 2004) (addressing diversity of citizenship under § 1332).

To the extent that Lemons is seeking any relief in his October 21, 2013 motion other than reinstatement of this appeal, his motion is denied.

**AFFIRMED.**