

JUN 22 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN R. NORDBLAD,

Plaintiff - Appellant,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Indenture Trustee for New
Century Home Equity Loan Trust 2004-2;
et al.,

Defendants - Appellees.

No. 14-55101

D.C. No. 2:13-cv-07542-DDP-
VBK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

John R. Nordblad appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action alleging state law

* 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). Accordingly, Nordblad's request for oral argument, set forth in his reply brief, is denied.

foreclosure claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Crum v. Circus Circus Enters.*, 231 F.3d 1129, 1130 (9th Cir. 2000). We affirm.

The district court properly dismissed Nordblad's action for lack of subject matter jurisdiction because Nordblad failed to allege any federal claim and both Nordblad and at least one defendant are citizens of California. *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). Because the district court dismissed for lack of subject matter jurisdiction, the dismissal is without prejudice. *See Frigard v. United States*, 862 F.2d 201, 204 (9th Cir. 1988) (dismissal for lack of subject matter jurisdiction should be without prejudice).

The district court did not abuse its discretion in granting defendants' motion to dismiss without first holding a hearing. *See* C.D. Cal. R. 7-15 ("The Court may dispense with oral argument on any motion except where an oral hearing is required by statute . . ."); *see also Delange v. Dutra Const. Co., Inc.*, 183 F.3d 916, 919 n.2 (9th Cir. 1999) (setting forth standard of review of a district court's interpretation and application of its local rules).

We reject as meritless Nordblad's contention that the district court judge was biased.

AFFIRMED.