

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

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

DENNIS M. BUCKOVETZ,

Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF
THE NAVY,

Defendant-Appellee.

No. 15-56376

D.C. No. 3:14-cv-02872-BEN-
MDD

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Dennis M. Buckovetz appeals pro se from the district court's judgment dismissing for lack of subject matter jurisdiction his action under the Administrative Procedures Act requesting a document be removed from his

* 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).

personnel file. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of mootness. *White v. Lee*, 227 F.3d 1214, 1242 (9th Cir. 2000). We affirm.

The district court properly dismissed Buckovetz's action as moot because the Department of the Navy removed the document at issue from Buckovetz's personnel file and confirmed that there is no reference to it in its human resources or Equal Employment Opportunity files. *See Biodiversity Legal Found. v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002) ("When a controversy no longer exists, the case is moot."). Buckovetz has failed to show that any exception to the mootness doctrine applies to his action. *See Pub. Utilities Comm'n of State of Cal. v. Fed. Energy Regulatory Comm'n*, 100 F.3d 1451, 1459-61 (9th Cir. 1996) (discussing exceptions to the mootness doctrine).

AFFIRMED.