

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 3 2017

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

SHAUN ROSIERE,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee.

No. 16-16144

D.C. No. 1:16-cv-00260-HG-RLP

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Helen W. Gillmor, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Shaun Rosiere appeals pro se from the district court's judgment dismissing for improper venue his action alleging violations of the Freedom of Information Act ("FOIA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Myers v. Bennett Law Offices*, 238 F.3d 1068, 1071 (9th Cir. 2001). We may

* 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).

affirm on any basis supported by the record, *Thomson v. Paul*, 547 F.3d 1055, 1057-59 (9th Cir. 2008), and we affirm.

Dismissal of Rosiere's action was proper because the district court lacked jurisdiction over Rosiere's FOIA complaint. *See* 5 U.S.C. § 552(a)(4)(B) (the district court "in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction" to provide relief); *Carter v. U.S. Dep't of Commerce*, 307 F.3d 1084, 1088 (9th Cir. 2002) (noting district court's jurisdiction under 5 U.S.C. § 552(a)(4)(B)).

AFFIRMED.