

APR 23 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LIBERTY MEDIA HOLDINGS, LLC, a  
California corporation,

Plaintiff - Appellant,

v.

ERIC HENSON,

Defendant - Appellee.

No. 12-55574

D.C. No. 3:11-cv-00652-MMA-  
BLM

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Michael M. Anello, District Judge, Presiding

Submitted April 16, 2013\*\*

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Liberty Media Holdings, LLC (“Liberty”) appeals from the district court’s  
judgment dismissing its copyright infringement action for lack of personal

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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).

jurisdiction. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Sher v. Johnson*, 911 F.2d 1357, 1360 (9th Cir. 1990). We reverse and remand.

The district court improperly dismissed Liberty's action because it did not first give Liberty notice and an opportunity to assert facts to support the court's exercise of personal jurisdiction over Henson. *See Tuli v. Republic of Iraq (In re Tuli)*, 172 F.3d 707, 712-13 (9th Cir. 1999) (court erred in failing to give plaintiff notice and an opportunity to present facts supporting personal jurisdiction before declining to enter a default judgment on the ground that such a showing had not been made).

Accordingly, we reverse the judgment dismissing Liberty's action and remand to the district court for further proceedings.

**REVERSED and REMANDED.**