

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2018

FOR THE NINTH CIRCUIT

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

BO LIU,

Plaintiff-Appellant,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant-Appellee.

No. 18-55813

D.C. No. 8:17-cv-00343-PSG-SHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Bo Liu appeals pro se from the district court's judgment dismissing his action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's determination regarding subject matter jurisdiction. *Gingery v. City of Glendale*, 831 F.3d 1222, 1226 (9th Cir.

* 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).

2016). We affirm.

The district court properly dismissed Liu’s action for lack of subject matter jurisdiction because the complaint is obviously frivolous. *See Franklin v. Murphy*, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984) (“A paid complaint that is obviously frivolous does not confer federal subject matter jurisdiction, and may be dismissed sua sponte before service of process.” (citation and internal quotation marks omitted)).

AFFIRMED.