

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 11 2020

FOR THE NINTH CIRCUIT

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

LEAH S. CALDWELL,

Plaintiff-Appellant,

v.

WILLIAM P. BARR, Attorney General; et
al.,

Defendants-Appellees.

No. 19-17066

D.C. No. 2:19-cv-01357-TLN-AC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted August 5, 2020**

Before: SCHROEDER, HAWKINS, and LEE, Circuit Judges.

Leah S. Caldwell appeals pro se from the district court's judgment dismissing her action alleging, among other violations, claims under the Civil Rights Act of 1866 and the Foreign Intelligence Surveillance Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a

* 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).

district court's dismissal of an action as frivolous. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). We affirm.

The district court did not abuse its discretion by dismissing Caldwell's action as frivolous because the action lacked an arguable basis either in law or in fact. *See id.* at 31-33 (discussing the meaning of "frivolousness").

The district court did not abuse its discretion by dismissing Caldwell's complaint without leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that a district court may dismiss without leave to amend when amendment would be futile).

We reject as without merit Caldwell's contentions that the district court should have disqualified itself, or permitted discovery or an evidentiary hearing.

Caldwell's motion to update the appellees is denied.

AFFIRMED.