

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 23 2019

FOR THE NINTH CIRCUIT

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

STEVEN C. LEVI,

Plaintiff-Appellant,

v.

FEDERAL HOUSING FINANCE
AGENCY; et al.,

Defendants-Appellees.

No. 19-35128

D.C. No. 3:17-cv-00183-TMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Timothy M. Burgess, District Judge, Presiding

Submitted October 15, 2019**

Before: FARRIS, LEAVY, and RAWLINSON, Circuit Judges.

Steven C. Levi appeals pro se from the district court's order dismissing for lack of subject matter jurisdiction his mandamus action seeking to compel the four federal agency defendants to investigate his alleged "gift mortgage" theory. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack

* 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).

of subject matter jurisdiction. *Naffe v. Frey*, 789 F.3d 1030, 1035 (9th Cir. 2015).

We affirm.

The district court properly dismissed Levi’s mandamus action for lack of subject matter jurisdiction because Levi failed to allege facts sufficient to demonstrate Article III standing, entitlement to mandamus relief, or the waiver of defendants’ sovereign immunity. *See Hein v. Freedom From Religion Found., Inc.*, 551 U.S. 587, 593 (2007) (“It has long been established . . . that the payment of taxes is generally not enough to establish standing to challenge an action taken by the Federal Government.”); *Patel v. Reno*, 134 F.3d 929, 931 (9th Cir. 1997) (setting forth the requirements for mandamus relief); *Sierra Club v. Whitman*, 268 F.3d 898, 901 (9th Cir. 2001) (suits against any agency of the United States “are barred by sovereign immunity unless there has been a specific waiver of that immunity”).

Levi’s renewed motion for summary judgment, set forth in the reply brief, is denied.

All other pending motions are denied.

AFFIRMED.