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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NIRA SCHWARTZ,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA, Office
of the US Attorney; et al.,

Defendants - Appellees.

No. 07-55091

D.C. No. CV-06-04010-DDP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted September 10, 2007 **

Before: KOZINSKI, THOMAS and RAWLINSON, Circuit Judges.

Appellee United States of America, Office of the US Attorney

("government") has moved for summary affirmance of the district court's

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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December 13, 2006 order granting the government's motion to dismiss the complaint for lack of subject matter jurisdiction. *See Campbell v. Redding Med. Ctr.*, 421 F.3d 817, 820 (9th Cir. 2005) (district court's dismissal for lack of subject matter jurisdiction is reviewed de novo).

A review of the record and the opening brief indicates that the questions raised in this appeal as to the government are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, we summarily affirm the district court's December 13, 2006 order with respect to the government.

Briefing is complete with respect to the remaining appellees. This case is ready for calendaring.