

AUG 01 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JENNIEVA RANDALL,

Plaintiff - Appellant,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Defendant - Appellee.

No. 06-56812

D.C. No. CV-06-00811-RGK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Jennieva Randall appeals pro se the district court's order dismissing her Title VII action without prejudice for lack of subject matter jurisdiction. We have

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

jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Leong v. Potter*, 347 F.3d 1117, 1121 (9th Cir. 2003), and affirm.

Contrary to Randall's contentions, the district court properly dismissed her complaint for lack of subject matter jurisdiction because she failed to show that she had exhausted her administrative remedies. *See* 42 U.S.C. § 2000e-16(c); *see also* *Crown, Cork & Seal Co. v. Parker*, 462 U.S. 345, 350 (1983). The Equal Employment Opportunity Commission's order reversing class certification reinstates her individual claim before the agency.

We do not consider Randall's contentions raised for the first time on appeal. *See* *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

**AFFIRMED.**