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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BARBARA A. STUART ROBINSON, Plaintiff - Appellant, v. STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS, Defendant - Appellee.	No. 11-35025 D.C. No. 3:10-cv-05652-RBL MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Barbara A. Stuart Robinson appeals pro se from the district court's judgment dismissing her action for lack of subject matter jurisdiction. We have jurisdiction under 28 U.S.C. § 1291. *In re Ford Motor Co./Citibank (South Dakota), N.A.*, 264

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

F.3d 952, 955 (9th Cir. 2001). We review de novo, *Peralta v. Hispanic Bus., Inc.*, 419 F.3d 1064, 1068 (9th Cir. 2005), and we affirm.

The district court properly dismissed the action because the complaint does not allege facts to support federal question or diversity jurisdiction. *See id.* ("In civil cases, subject matter jurisdiction is generally conferred upon federal district courts either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28 U.S.C. § 1331."); *see also Vaden v. Discover Bank*, 556 129 S. Ct. 1262, 1272 (2009) (explaining that § 1331 confers jurisdiction over civil actions 'arising under' federal law and that an action 'arises under' federal law only where the plaintiff's statement of the claim shows that the claim is based on federal law (citations omitted)).

We do not consider issues raised by Robinson for the first time on appeal. *See Janes v. Wal-Mart Stores Inc.*, 279 F.3d 883, 887-88 (9th Cir. 2002).

AFFIRMED.