

FILED

UNITED STATES COURT OF APPEALS

JUL 01 2009

FOR THE NINTH CIRCUIT

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

ARNOLD DEWALT BEVERLY,

Plaintiff - Appellant,

v.

FEDERAL ELECTION COMMISSION,

Defendant - Appellee.

No. 09-15562

D.C. No. 1:08-cv-01538-AWI
Eastern District of California,
Fresno

ORDER

Before: KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

A review of the record and opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record). The district court did not err in dismissing appellant's complaint of inaction against the Federal Election Commission (FEC) for lack of jurisdiction because such a complaint must be brought in the District of Columbia. *See* 2 U.S.C. § 437g(a)(8). To the extent appellant attempted to allege a different cause of action, he failed to identify a statute that waives the FEC's sovereign immunity.

Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.