

JUL 06 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SYLVIA SANTOS,

Plaintiff - Appellant,

v.

CALIFORNIA STUDENT AID
COMMISSION; et al.,

Defendants - Appellees.

No. 07-56021

D.C. No. CV-06-01130-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

* 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). Accordingly, Santos's request for oral argument is denied.

Sylvia Santos appeals pro se from the district court's order denying her motion for a default judgment in her action alleging that defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* We lack jurisdiction to consider this appeal because the denial of a motion for a default judgment is not a final appealable order. *See Bird v. Reese*, 875 F.2d 256, 256 (9th Cir. 1989) (order). Moreover, the district court's order denying Santos's motion and directing the Clerk to close the case is not final within the meaning of 28 U.S.C. § 1291 because the issues set forth in the complaint have not been fully adjudicated. *See Patel v. Del Taco, Inc.*, 446 F.3d 996, 1000 (9th Cir. 2006) (explaining that a decision is final within the meaning of § 1291 only if it is a full adjudication of the issues).

DISMISSED.