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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

W. REGINALD ROSE, JR.; et al.,

Plaintiffs - Appellants,

v.

COUNTRYWIDE HOME LOANS,

Defendant - Appellee.

No. 08-16431

D.C. No. 2:07-CV-01504-JCM-
GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted June 16, 2009**

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

W. Reginald Rose, Jr., and Laura J. Rose appeal pro se from the district court's order dismissing their civil rights complaint for failing to comply with Rule

* 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).

8 of the Federal Rules of Civil Procedure. We dismiss the appeal for lack of jurisdiction.

The district court dismissed the Roses' complaint without prejudice and granted leave to amend. Rather than filing an amended complaint or obtaining a final order of dismissal from the district court, the Roses filed a notice of appeal. We therefore lack jurisdiction. *See WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136-37 (9th Cir. 1997) (en banc) (holding that a district court's dismissal that expressly grants leave to amend is not final, and that a final judgment must be obtained before such a case becomes appealable).

DISMISSED.