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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DON GARTH COLE,

Plaintiff - Appellant,

v.

OCWEN LOAN SERVICING, LLC;  
AZTEC FORECLOSURE  
CORPORATION,

Defendants - Appellees.

Nos. 08-16902  
09-15256

D.C. No. 2:08-cv-00836-PMP-RJJ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Philip M. Pro, District Judge, Presiding

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

In these consolidated appeals, Don Garth Cole appeals pro se from the

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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 these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

district court's judgments dismissing his action alleging violations of the Truth in Lending Act, 15 U.S.C. § 1601, *et seq.*, and Nevada state law. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Proctor v. Vishay Intertechnology Inc.*, 584 F.3d 1208, 1218 (9th Cir. 2009). We affirm.

The district court properly dismissed the action because the attachments to the complaint show that Appellees are entitled to foreclose upon Cole's property. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (“[A] court may consider material which is properly submitted as part of the complaint on a motion to dismiss. . . .”) (citation and internal quotation marks omitted).

Contrary to Cole's contentions, the district court properly denied Cole's motion to remand because the district court had subject matter jurisdiction over Cole's claims, and the notice of removal and the joinder to removal were not procedurally defective. *See Proctor*, 584 F.3d at 1224-25 (concluding that “the filing of a notice of removal can be effective without individual consent documents on behalf of each defendant”).

Cole's remaining contentions are unpersuasive.

**AFFIRMED.**