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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADAKU E. ERONINI,

Plaintiff - Appellant,

v.

JP MORGAN CHASE BANK NA; et al.,

Defendants - Appellees.

No. 08-55929

D.C. No. 5:08-cv-00177-VAP-JCR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted February 16, 2010**

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

Adaku E. Eronini appeals pro se from the district court's order dismissing for failure to state a claim her action alleging violations of the Real Estate

* 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).

Settlement and Procedures Act (“RESPA”), 12 U.S.C. § 2601, *et seq.*, and California state law. We have jurisdiction under 28 U.S.C. § 1291. We review *de novo*. *Miller v. Yokohama Tire Corp.*, 358 F.3d 616, 619 (9th Cir. 2004). We affirm.

The district court properly dismissed the action because Eronini suffered no damages as a result of the alleged RESPA violation. *See* 12 U.S.C. § 2605(f)(1)(A) (allowing recovery of “actual damages”). We do not consider arguments that Eronini presented for the first time on appeal. *See Turnacliff v. Westly*, 546 F.3d 1113, 1120 (9th Cir. 2008).

Eronini’s remaining contentions are unpersuasive.

AFFIRMED.