

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERICK GURULE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>COUNTRYWIDE HOME LOANS and RECONSTRUCT COMPANY,</p> <p>Defendants - Appellees.</p>
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No. 09-17825

D.C. No. 2:09-cv-01578-JCM-RJJ

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Erick Gurule appeals pro se from the district court’s judgment dismissing his action arising out of the foreclosure of his property. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court’s denial of

* 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).

leave to amend. *Smith v. Pac. Props. & Dev. Corp.*, 358 F.3d 1097, 1100 (9th Cir. 2004). We affirm.

The district court did not abuse its discretion by denying Gurule leave to amend where he sought to advance legal theories that had already been properly rejected. *See Chaset v. Fler/Skybox Int'l, LP*, 300 F.3d 1083, 1087-88 (9th Cir. 2002) (no abuse of discretion where amendment would be futile).

AFFIRMED.