

DEC 27 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ESTELLA M. GUILLEN, an individual,

Plaintiff - Appellant,

and

VICTOR M. LEMUS, an individual,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL  
TRUSTEE; et al.,

Defendants - Appellees.

No. 10-15001

D.C. No. 2:09-cv-00704-RLH-  
PAL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, Chief District Judge, Presiding

Submitted December 14, 2010\*\*

Before: GOODWIN, WALLACE, and W. FLETCHER, 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Estella M. Guillen appeals pro se from the district court's judgment dismissing her action arising out of a foreclosure. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *King v. California*, 784 F.2d 910, 912 (9th Cir. 1986). We affirm.

Guillen's contention that the district court dismissed the action without due process is unpersuasive where the record indicates that she filed an opposition and was provided a hearing on the motion to dismiss. *See S.E.C. v. McCarthy*, 322 F.3d 650, 659 (9th Cir. 2003) (due process requires notice and an opportunity to be heard).

To the extent the opening brief offers any specific arguments about the dismissal of Guillen's claims, we do not consider them because she did not include the relevant hearing transcript in the record on appeal. *See Portland Feminist Women's Health Ctr. v. Advocates for Life, Inc.*, 877 F.2d 787, 789 (9th Cir. 1989) ("When an appellant fails to supply a transcript of a district court proceeding, we may . . . refuse to consider the appellant's argument."); *see also Miller v. Fairchild Indus., Inc.*, 797 F.2d 727, 738 (9th Cir. 1986) ("The Court of Appeals will not ordinarily consider matters on appeal that are not specifically and distinctly argued in appellant's opening brief.").

**AFFIRMED.**