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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEVEN WIERZBA,

Plaintiff - Appellant,

v.

QUALITY LOAN SERVICE,
CORPORATION; et al.,

Defendants - Appellees.

No. 10-16034

D.C. No. 3:09-cv-03133-JSW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted February 15, 2011**

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

Steven Wierzba appeals pro se from the district court's order dismissing his action arising out of foreclosure proceedings. We dismiss the appeal for lack of jurisdiction.

* 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).

The district court dismissed two claims in Wierzba's amended complaint without prejudice and granted leave to amend. Rather than filing a second amended complaint or obtaining a final order of dismissal from the district court, Wierzba 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) (a dismissal with leave to amend is not a final order).

DISMISSED.