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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NOT FOR PUBLICATION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.

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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 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.**