

MAY 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DAVID JOYNER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>BANK OF AMERICA HOME LOANS SERVICING, LP and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,</p> <p>Defendants - Appellees.</p>

No. 10-16885

D.C. No. 2:09-cv-02406-GMN-
RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted May 15, 2012**

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

David Joyner appeals pro se from the district court’s judgment dismissing his action arising out of foreclosure proceedings. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo. *King v. California*, 784 F.2d 910, 912 (9th Cir. 1986). We affirm.

The district court properly dismissed Joyner's claims for the reasons stated in its order entered on July 26, 2010.

Contrary to Joyner's contention, the district court properly applied federal pleading standards following the removal of the action from state court based on diversity jurisdiction. *See Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1102 (9th Cir. 2003) ("The Federal Rules of Civil Procedure apply irrespective of the source of subject matter jurisdiction, and irrespective of whether the substantive law at issue is state or federal.").

Joyner's remaining contentions, including those concerning the funding and securitization of the loan and standing to bring non-judicial foreclosure, are unpersuasive.

AFFIRMED.