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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DENISE HELEN FULEIHAN,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>WELLS FARGO BANK, NA, DBA America's Servicing Company; et al.,</p> <p>Defendants - Appellees.</p>
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No. 10-17337

D.C. No. 2:09-cv-01877-RCJ-PAL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert C. Jones, Chief Judge, Presiding

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Denise Helen Fuleihan appeals pro se from the district court's summary judgment and dismissal order in her action arising out of foreclosure proceedings.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Doe v. Abbott*

* 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).

Labs., 571 F.3d 930, 933 (9th Cir. 2009). We affirm.

Contrary to Fuleihan’s contention, the district court did not lack jurisdiction to grant judgment in her action against defendants after she had filed for bankruptcy. *See* 11 U.S.C. § 362(a)(1) (a bankruptcy petition stays an “action or proceeding *against* the debtor” (emphasis added)).

The district court did not abuse its discretion in denying Fuleihan leave to file a second amended complaint where amendment would be futile. *See Gardner v. Martino*, 563 F.3d 981, 990 (9th Cir. 2009) (reviewing for an abuse of discretion and stating that “[a] district court does not err in denying leave to amend where the amendment would be futile”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, nor matters raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Fuleihan’s remaining contentions are unpersuasive.

AFFIRMED.