

AUG 15 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RODOLFO VELASQUEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CHASE HOME FINANCE LLC; FANNIE MAE,</p> <p>Defendants - Appellees.</p>
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No. 11-17173

D.C. No. 2:11-cv-01019-GEB-  
JFM

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, Jr., District Judge, Presiding

Submitted August 8, 2012\*\*

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Rodolfo Velasquez appeals pro se from the district court’s judgment  
dismissing his action arising out of foreclosure proceedings as barred by the

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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). Accordingly, Velasquez’s  
request for oral argument is denied.

doctrine of res judicata. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). We affirm.

The district court properly dismissed Velasquez’s action as barred by the doctrine of res judicata because Velasquez raised, or could have raised, these claims in his prior action that involved the same defendants and was decided on the merits. *See id.* (res judicata bars litigation in a subsequent action of “any claims that were raised or could have been raised’ in a prior action” (emphasis and citation omitted)).

Velasquez’s pending loan modification applications do not render this case moot because they do not resolve the parties’ dispute. *See Leigh v. Salazar*, 677 F.3d 892, 896 (9th Cir. 2012) (case is moot if events subsequent to the filing of the case resolve the parties’ dispute).

Velasquez’s requests for judicial notice are denied.

**AFFIRMED.**