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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JIMIT H. MEHTA, an individual,

Plaintiff - Appellant,

v.

WELLS FARGO BANK, NA, an entity of
unknown form; WELLS FARGO HOME
MORTGAGE, INC.,

Defendants - Appellees.

No. 11-55701

D.C. No. 3:10-cv-00944-JLS-
WVG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Argued and Deferred January 11, 2013
Resubmitted January 18, 2013

Pasadena, California

Before: O'SCANNLAIN and W. FLETCHER, Circuit Judges, and
KORMAN, Senior District Judge.**

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Edward R. Korman, Senior United States District
Judge for the Eastern District of New York, sitting by designation.

Appellant Mehta appeals the dismissal of his promissory estoppel and misrepresentation claims against Defendant Wells Fargo. We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

We review de novo a dismissal for a failure to state a claim under Rule 12(b)(6). *Navarro v. Block*, 250 F.3d 729, 731 (9th Cir. 2001). A complaint must provide sufficient factual allegations to “state a claim for relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Plausibility requires facts that “allow the court to draw a reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The district court properly held Mehta’s claimed reliance to be implausible. Given the short time frame between the promise and the foreclosure date, it is not plausible that Mehta would have pursued the claimed avenues of relief. Thus, for the reasons set forth by the district court, we uphold the dismissal.

We deny the motions to strike and for judicial notice as moot.

AFFIRMED.