

SEP 09 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY A. MYERS,

Plaintiff - Appellant,

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC; JOAN
H. ANDERSON, EVP on behalf of
Flagstar Bank; FLAGSTAR BANK, FSB;
MTC FINANCIAL INCORPORATED,
DBA Trustee Corps,

Defendants - Appellees.

No. 12-35218

D.C. No. 3:11-cv-05582-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Argued and Submitted August 26, 2013
Seattle, Washington

Before: HAWKINS, McKEOWN, and CLIFTON, Circuit Judges.

Gregory A. Myers appeals the district court's dismissal of his claims against various bank and mortgage entities related to wrongful foreclosure and violation of

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

the Washington Deed of Trust Act and other state law claims. Because the parties are familiar with the facts, we do not recite them here. The bottom line is that the original lender, Accell, transferred the Note to Flagstar, which actually holds the Note. We affirm for the reasons outlined in the district court's February 24, 2012, Order Granting Motions to Dismiss. We further note that recent Washington case law does not change the result. *See Klem v. Wash. Mut. Bank*, 295 P.3d 1179 (Wash. 2013), and *Walker v. Quality Loan Serv. Corp.*, No. 65975-8-I, 2013 WL 3989666 (Wash. App. Aug. 5, 2013).

AFFIRMED.