

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

DEC 18 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MICHAEL CORDAS; CATHY  
CORDAS,

Plaintiffs - Appellants,

v.

COUNTRYWIDE HOME LOANS, INC.;  
U.S. BANK NATIONAL  
ASSOCIATION, as Trustee for the  
Certificate-Holders of HE LXS 2007-7N  
Trust; BANK OF AMERICA  
CORPORATION; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; RECONTRUST  
COMPANY, N.A.,

Defendants - Appellees.

No. 12-56000

D.C. No. 8:11-cv-01688-AG-JPR

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Andrew J. Guilford, District Judge, Presiding

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

Submitted December 3, 2013\*\*  
Pasadena, California

Before: PREGERSON, BERZON, and CHRISTEN, Circuit Judges.

Plaintiffs Michael and Cathy Cordas appeal the dismissal of their complaint asserting claims arising out of foreclosure proceedings. The district court dismissed the complaint for failure to comply with Federal Rule of Civil Procedure 8(a), with leave to amend within 21 days. Plaintiffs did not amend. Instead, they filed a notice of appeal after the 21 days had elapsed.

This Court lacks jurisdiction to consider an appeal from a non-final judgment. *WMX Technologies, Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997). The district court's subsequent dismissal pursuant to Rule 41(b) did not cure Plaintiffs' premature appeal from the Rule 8(a) dismissal. *See Serine v. Peterson*, 989 F.2d 371, 373 (9th Cir. 1993). Accordingly, we dismiss this appeal for lack of jurisdiction. We note that if we had jurisdiction, we would affirm, as the district court properly dismissed the complaint for failure to comply with Rule 8(a).

**DISMISSED.**

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\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.