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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSIP DVORNEKOVIC; EILEEN
DVORNEKOVIC,

Plaintiffs - Appellants,

v.

WILLIAM A. LOONEY; et al.,

Defendants - Appellees.

No. 14-35245

D.C. No. 3:13-cv-05812-RBL

MEMORANDUM*

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

Submitted February 17, 2015**

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Josip and Eileen Dvornekovic appeal pro se from the district court's judgment dismissing their action alleging wrongful foreclosure and federal and state law violations. We have jurisdiction under 28 U.S.C. § 1291. We review for

* 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).

an abuse of discretion the district court's denial of the Dvornekovics's motion for relief from the judgment under Fed. R. Civ. P. 60(b). *Sch. Dist. No. 1J Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying the motion to vacate the judgment, because the Dvornekovics failed to demonstrate that such relief was warranted. *See id.* at 1263 (listing grounds upon which a party can seek relief from a judgment).

We lack jurisdiction to address the challenges to the judgment, because the Dvornekovics failed to file a timely notice of appeal or a timely post-judgment tolling motion. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days of final judgment); *see also Mt. Graham Red Squirrel v. Madigan*, 954 F.2d 1441, 1462 (9th Cir. 1992) (an untimely post-judgment motion typically does not toll the time to file an appeal of the underlying judgment).

We reject the Dvornekovics's contentions that the district court was biased, violated their due process rights, and became a party to the allegedly unlawful acts.

All pending motions and requests are denied as moot.

AFFIRMED.