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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DONNAMAY BROCKBANK; DENNIS  
LEE MOSES,

Plaintiffs - Appellants,

v.

KEVIN STAPLES; et al.,

Defendants - Appellees.

No. 13-35548

D.C. No. 3:13-cv-05168-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.

Donnamay Brockbank and Dennis Lee Moses appeal pro se from the district court's summary judgment in their action seeking relief under the Truth and Lending Act, Regulation Z, and Washington state law. We have jurisdiction under

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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).

28 U.S.C. § 1291. We review de novo, *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002), and we affirm.

The district court properly dismissed the action as barred by the doctrine of res judicata, because Brockbank and Moses had alleged claims arising out of the same loan transaction and related foreclosure proceedings against the same defendants in at least one prior action. *See Holcombe v. Hosmer*, 477 F.3d 1094, 1097 (9th Cir. 2007) (federal courts must apply state law regarding res judicata to state court judgments); *Seattle-First Nat'l Bank v. Kawachi*, 588 P.2d 725, 727 (Wash. 1978) (en banc) (elements of res judicata under Washington state law); *Kelly-Hansen v. Kelly-Hansen*, 941 P.2d 1108, 1112 (Wash. Ct. App. 1997) (doctrine of res judicata bars litigation of claims that were or could have been raised in the prior action).

Contrary to appellants' contention, the district court was not required to hold oral argument on the motion for summary judgment. *See Partridge v. Reich*, 141 F.3d 920, 926 (9th Cir. 1998) (district court can decide summary judgment without oral argument if parties have an opportunity to submit their papers to the court); *see also* W.D. Wash. R. 7(d)(4) (“Unless otherwise ordered by the court, all motions will be decided by the court without oral argument.”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal or in the reply brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

**AFFIRMED.**