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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHAYO BRIGGS, a Male individual;  
ABRAHAM VEGA MORENO,

Plaintiffs - Appellants,

v.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, a National Banking  
Association as Trustee for Morgan Stanley  
ABS Capital Inc, Home Equity Trust  
2005-HE7, Erroneously Sued As Deutsche  
Bank National Trust Company; et al.,

Defendants - Appellees.

No. 13-55615

D.C. No. 5:12-cv-01286-PSG-  
FFM

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Philip S. Gutierrez, District Judge, Presiding

Submitted April 22, 2015\*\*

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Chayo Briggs and Abraham Vega Moreno appeal pro se from the district

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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).

court's judgments in their action alleging violations of state and federal law in connection with a non-judicial foreclosure. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's dismissal for failure to comply with its local rules. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam). We affirm.

The district court did not abuse its discretion in dismissing plaintiffs' claims against defendants Deutsche Bank National Trust Co., JP Morgan Chase Bank, N.A., Mortgage Electronic Registration Systems, Inc., and WMC Mortgage Corporation because plaintiffs failed to oppose these defendants' motions to dismiss. *See* C.D. Cal. R. 7-9 (requiring the filing of an opposition or statement of non-opposition to a motion to dismiss); C.D. Cal. R. 7-12 (providing that the failure to file any required document may be deemed consent to the granting or denial of the motion); *Ghazali*, 46 F.3d at 53-54 (setting forth factors to be considered before dismissing an action for failure to follow the local rules, affirming dismissal for failure to file opposition to motion to dismiss, and noting that pro se litigants are bound by the rules of procedure).

We reject defendant WMC Mortgage Corporation's argument that this court lacks appellate jurisdiction over plaintiffs' appeal. *See* Fed. R. App. P. 4(b)(2) ("A notice of appeal filed after the court announces a decision, sentence, or order—but

before the entry of the judgment or order—is treated as filed on the date of and after the entry.”)

Defendants Deutsche Bank National Trust Co., JP Morgan Chase Bank, N.A., and Mortgage Electronic Registration Systems, Inc.’s Motion to Take Judicial Notice, filed on December 17, 2013, is granted.

**AFFIRMED.**