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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT JAMES DEMETRIOU,

Plaintiff - Appellant,

v.

J.P. MORGAN CHASE BANK, N.A.,

Defendant - Appellee.

No. 12-56657

D.C. No. 2:11-cv-05522-JFW-
VBK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted: December 9, 2015**

Before: WALLACE, RAWLINSON, and IKUTA, Circuit Judges.

Robert James Demetriou appeals pro se from the district court's summary judgment in his diversity action arising from foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Kaplan v. City of N. Las Vegas*, 323 F.3d 1226, 1229 (9th Cir. 2003). We affirm.

* 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).

The district court properly granted summary judgment because JP Morgan Chase Bank, N.A. had statutory authority to initiate nonjudicial foreclosure proceedings. *See* Cal. Civ. Code § 2924(a)(1) (a “trustee, mortgagee, or beneficiary, or any of their authorized agents” may initiate the foreclosure process); *see also Jenkins v. JP Morgan Chase Bank, N.A.*, 156 Cal. Rptr. 3d 912, 928 (Ct. App. 2013) (holding that a loan servicer, as agent for the beneficiary, may record a notice of default and initiate nonjudicial foreclosure); *Gomes v. Countrywide Home Loans, Inc.*, 121 Cal. Rptr. 3d 819, 824 (Cal. Ct. App. 2011) (California law does not “provide for a judicial action to determine whether the person initiating the foreclosure process is indeed authorized” absent “a *specific factual basis* for alleging that the foreclosure was not initiated by the correct party”).

We do not consider Demetriou’s judicial estoppel argument because it was raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Appellee’s uncontested request for judicial notice, filed on June 13, 2013, is granted.

AFFIRMED.