

JAN 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL S. HOFFMAN,

Plaintiff - Appellant,

v.

AURORA BANK, FSB,

Defendant - Appellee.

No. 13-55264

D.C. No. 5:12-cv-01015-JST-DTB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Michael S. Hoffman appeals pro se from the district court's judgment dismissing his diversity action alleging claims related to his mortgage. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's interpretation and application of its local rules. *Delange v. Dutra*

* 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).

Const. Co., Inc., 183 F.3d 916, 919 n.2 (9th Cir. 1999). We affirm.

The district court did not abuse its discretion in discharging its order to show cause in light of the fact that both parties did not appear at the scheduled motion to dismiss hearing. *See* C.D. Cal. R. 7-14 (“Failure of any counsel to appear . . . may be deemed consent to a ruling upon the motion adverse to that counsel’s position.”). Moreover, the district court did not abuse its discretion in granting defendant’s motion to dismiss without first holding a hearing. *See* Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. R. 7-15 (“The Court may dispense with oral argument on any motion except where an oral hearing is required by statute”).

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

Aurora Bank’s request to strike Exhibit F to Hoffman’s opening brief, set forth in its answering brief, is denied as unnecessary.

AFFIRMED.