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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DOUGLAS GILLIES,

Plaintiff - Appellant,

v.

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

Defendant - Appellee.

No. 13-55296

D.C. No. 2:12-cv-10394-GW-
MAN

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Douglas Gillies appeals pro se from the district court's order dismissing his diversity action asserting foreclosure-related claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of res judicata. *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). 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 dismissed Gillies's action as barred by the doctrine of res judicata because Gillies either raised, or could have raised, his claims in his prior California state court action, which involved the same primary rights, the same parties, and resulted in a final judgment on the merits. *See Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles*, 24 Cal. Rptr. 3d 543, 557-58 (Ct. App. 2004) (setting forth elements of res judicata under California law and noting that "[r]es judicata bars the litigation not only of issues that were actually litigated but also issues that could have been litigated").

We reject Gillies's argument that California's nonjudicial foreclosure regime violates due process. *See Apao v. Bank of N.Y.*, 324 F.3d 1091, 1094-95 (9th Cir 2003) (nonjudicial foreclosure is not state action and therefore does not implicate due process).

Gillies's request for judicial notice, filed on August 26, 2013, is granted.

AFFIRMED.