

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2016

FOR THE NINTH CIRCUIT

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

PAMELA CHYBA,

Plaintiff-Appellant,

v.

WASHINGTON MUTUAL, AKA  
JPMorgan Chase & Co.,

Defendant-Appellee.

No. 14-56082

D.C. No. 3:12-cv-00838-JAH-  
BLM

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
John A. Houston, District Judge, Presiding

Submitted November 16, 2016\*\*

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Pamela Chyba appeals pro se from the district court's judgment in her action alleging violations of the Fair Credit Reporting Act ("FCRA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Lyon v. Chase Bank*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*USA, N.A.*, 656 F.3d 877, 883 (9th Cir. 2011) (motion for judgment on the pleadings); *Doe v. Abbott Labs.*, 571 F.3d 930, 933 (9th Cir. 2009) (motion to dismiss). We may affirm on any basis supported by the record. *Henry v. Gill Indus., Inc.*, 983 F.2d 943, 950 (9th Cir. 1993). We affirm.

Dismissal of Chyba’s FCRA claims was proper because Chyba failed to exhaust the claims before filing suit in district court as required by the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”). *See* 12 U.S.C. § 1821(d); *Rundgren v. Wash. Mut. Bank, FA*, 760 F.3d 1056, 1060-61 (9th Cir. 2014) (no jurisdiction exists over claims not properly exhausted through FIRREA’s administrative process).

We reject as without merit Chyba’s contention that the district court’s denial of her motion for in camera review violated her due process rights.

Washington Mutual’s request for judicial notice, filed on March 30, 2015, is granted.

**AFFIRMED.**