

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2017

FOR THE NINTH CIRCUIT

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

DIEM T. NGUYEN,

No. 11-56774

Plaintiff-Appellant,

D.C. No. 8:10-cv-01007-CJC-RNB

v.

MEMORANDUM*

NATIONSTAR MORTGAGE, LLC; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Diem T. Nguyen appeals pro se from the district court's order denying her Fed. R. Civ. P. 60(b) motion for relief from judgment in her action alleging federal and state law violations relating to her mortgage loan. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Sch. Dist. No. 1J*,

* 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).

Multnomah Cty., Or. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993), and we affirm.

The district court did not abuse its discretion by denying Nguyen's Rule 60(b) motion filed on September 14, 2011 because Nguyen failed to demonstrate any grounds for relief. *See id.* at 1263 (grounds for reconsideration under Fed. R. Civ. P. 60(b)).

We lack jurisdiction to consider Nguyen's contentions regarding the dismissal of her underlying claims, the denial of leave to amend, and the denial of her first motion for reconsideration because the operative notice of appeal was timely only as to the denial of her second motion for reconsideration. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days after entry of judgment or order appealed from).

We reject as without merit Nguyen's contention that the district court was required to hold a hearing before deciding her motion for reconsideration. *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.").

Appellee's request for judicial notice (Docket Entry No. 12) is granted.

Nguyen's motion for appointment of pro bono counsel (Docket Entry

No. 69) is denied.

Nguyen's motion for an extension of time to file a response to the court's order to show cause (Docket Entry No. 70) is denied as unnecessary. Nguyen's response was filed upon receipt at Docket Entry No. 73.

AFFIRMED.