

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 3 2017

FOR THE NINTH CIRCUIT

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

STEPHEN JACKSON,

Plaintiff-Appellant,

v.

CLEAR RECON CORPORATION; et al.,

Defendants-Appellees.

No. 16-17006

D.C. No. 2:15-cv-00968-TLN-AC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Stephen Jackson appeals pro se from the district court's judgment dismissing his action alleging foreclosure-related claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *In re Mortg. Elec. Registration Sys., Inc.*, 754 F.3d 772,

* 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).

780 (9th Cir. 2014). We affirm.

The district court properly dismissed Jackson's action because Jackson failed to allege facts sufficient to state any plausible claim for relief. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief); *see also In re Mortg. Elec. Registration Sys., Inc.*, 754 F.3d at 784-85 (elements of a wrongful foreclosure claim); *Oasis West Realty, LLC v. Goldman*, 250 P.3d 1115, 1121 (Cal. 2011) (elements of a breach of contract claim).

We reject as meritless Jackson's contention that the district court erred by failing to consider his claim under Cal. Civ. Code § 2923.6(c).

We do not consider matters 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).

AFFIRMED.