

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

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

GLENN W. BEVER; KAREN L. BEVER,

No. 16-15797

Plaintiffs-Appellants,

D.C. No. 1:16-cv-00079-AWI-SKO

v.

MEMORANDUM*

QUALITY LOAN SERVICE
CORPORATION; CITIMORTGAGE INC.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Glenn W. Bever and Karen L. Bever appeal pro se from the district court's judgment dismissing their action alleging violations of the Fair Debt Collection Practices Act related to the foreclosure of their home. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of res judicata.

* 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).

Headwaters, Inc. v. U.S. Forest Serv., 399 F.3d 1047, 1051 (9th Cir. 2005). We affirm.

The district court properly dismissed the Bevers' action as barred by the doctrine of res judicata because the Bevers' claims arose out of the same transactional nucleus of facts as their claim in a prior federal action between the parties or those in privity that resulted in a final judgment on the merits. *See id.* at 1052 (elements of res judicata).

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.