

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2018

FOR THE NINTH CIRCUIT

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

TERRY KERR,

Plaintiff-Appellant,

v.

AMERICAN HOME MORTGAGE
SERVICING, INC.,

Defendant-Appellee.

No. 12-35853

D.C. No. 4:11-cv-00134-EJL-LMB

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted February 13, 2018**

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

Terry Kerr appeals pro se from the district court's summary judgment in his action alleging federal and state law claims arising from the pending foreclosure of real property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Bourne Valley Court Tr. v. Wells Fargo Bank, NA*, 832 F.3d 1154, 1157 (9th Cir.

* 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).

2016). We affirm.

The district court properly granted summary judgment on the state law claims Kerr raised on his own behalf because Kerr failed to raise a genuine dispute of material fact supporting his contention that defendant breached its obligations to Kerr. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986) (party opposing summary judgment must come forward with probative evidence as to each element of the claim on which it bears the burden of proof).

We do not consider Kerr's arguments as to the remaining claims made on behalf of third parties not named in this action because Kerr has no authority to appear as an attorney for other individuals. *See Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997).

We do not consider matters not specifically and distinctly raised and argued in the opening brief or arguments raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

To the extent Kerr requests permission to supplement the record (Docket Entry No. 13), the request is denied.

AFFIRMED.