

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 27 2018

FOR THE NINTH CIRCUIT

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

CHRISTIE L. REED,

Plaintiff-cross-defendant-
Appellant,

v.

EDWARD R. SEIDNER; et al.,

Defendants-cross-claimants-
Appellees.

No. 16-56100

D.C. No. 5:13-cv-00940-VAP-SP

MEMORANDUM*

CHRISTIE L. REED,

Plaintiff,

v.

EVERETT CABRERA,

Defendant-Appellant.

v.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION; et al.,

Defendants-cross-claimants-
Appellees,

No. 16-56414

D.C. No. 5:13-cv-00940-VAP-SP

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

Appeals from the United States District Court
for the Central District of California
Virginia A. Phillips, Chief Judge, Presiding

Submitted March 13, 2018**

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

In these consolidated appeals, Christie L. Reed appeals pro se from the district court's summary judgment in her diversity action alleging state law claims related to two pieces of real property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Progressive Cas. Ins. Co. v. Owen*, 519 F.3d 1035, 1037 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment on the unjust enrichment claim against Reed because Reed failed to raise a genuine dispute of material fact as to whether she was not unjustly enriched by the Seidners' loan. *See Peterson v. Cellco P'ship*, 80 Cal. Rptr. 3d 316, 323 (Ct. App. 2008) (elements of unjust enrichment under California law).

The district court properly granted summary judgment for Federal National Mortgage Association ("Fannie Mae") because Reed failed to raise a genuine dispute of material fact as to whether Fannie Mae lacked title to the subject

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

properties, and Reed's claimed interest in the property was based upon a forged deed that is void. *See* Cal. Civ. Code § 3412 (grounds for cancellation of instruments); Cal. Civ. Proc. Code. § 761.020(c) (requirements for quiet title claim); *see also* *Firato v. Tuttle*, 308 P.2d 333, 335 (Cal. 1957) (a deed that is forged is void and defeats the claim of a subsequent bona fide purchaser).

The district court did not abuse its discretion in denying Everett Cabrera's motion for a preliminary injunction because Cabrera failed to establish a likelihood of success on the merits. *See Inst. of Cetacean Research v. Sea Shepherd Conservation Soc'y*, 725 F.3d 940, 944 (9th Cir. 2013) (setting forth standard of review and factors in considering whether to grant a preliminary injunction).

The district court did not abuse its discretion in denying Cabrera's motion to disqualify the district judge because Cabrera failed to establish grounds for recusal. *See United States v. Johnson*, 610 F.3d 1138, 1147 (9th Cir. 2010) (setting forth standard of review and grounds for recusal).

The district court did not abuse its discretion by denying in part Cabrera's request for judicial notice. *See Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (setting forth standard of review for a district court's decision to take judicial notice under Fed. R. Evid. 201).

We reject as without merit Reed's contentions that the district judge was biased, or denied her due process and equal protection.

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

Reed's motion to file a supplemental reply brief (Docket Entry No. 58) is granted. The Clerk shall file the supplemental reply brief at Docket Entry No. 57.

Reed's request for judicial notice (Docket Entry No. 19) is denied.

Cabrera's request for judicial notice (Docket Entry No. 52) is denied.

AFFIRMED.