

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 16 2018

FOR THE NINTH CIRCUIT

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

AUDIE REYNOLDS,

Plaintiff-Appellant,

v.

OCWEN LOAN SERVICING, LLC and
UNKNOWN PARTIES, named as: Does (1-
10),

Defendants-Appellees.

No. 17-16696

D.C. No. 3:17-cv-08123-JJT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John Joseph Tuchi, District Judge, Presiding

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

Audie Reynolds appeals pro se from the district court's judgment dismissing his diversity action arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of

* 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).

Civil Procedure 12(b)(6) for failure to state a claim. *Kwan v. SanMedica Int'l*, 854 F.3d 1088, 1093 (9th Cir. 2017). We affirm.

The district court properly dismissed Reynolds's action because Reynolds failed to allege facts sufficient to show that Western Progressive – Arizona, Inc. was not a proper trustee authorized to initiate the non-judicial foreclosure process under Arizona state law. *See* Ariz. Rev. Stat. §§ 33-803(A)(1) (trustee of a deed of trust may be a corporation doing business under the laws of the state as an escrow agent), 33-803(A)(6) (trustee of a deed of trust may be a corporation wholly-owned by any corporation referenced in § 33-803(A)(1)).

The district court did not abuse its discretion by denying leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

AFFIRMED.