NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN R. OGORSOLKA; LISA K. OGORSOLKA, husband and wife,	No. 15-35000
Plaintiffs-Appellants,	D.C. No. 2:14-cv-00078-RSM
v.	MEMORANDUM[*]
RESIDENTIAL CREDIT SOLUTIONS INC.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; BANK OF NEW YORK MELLON CORP., as trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2007-2 Mortgage Pass-Through Certificates, Series 2007-2; BAC HOME LOANS LP,	
Defendants-Appellees.	

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, Chief Judge, Presiding

Submitted July 11, 2017[**]
Seattle, Washington

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[*]   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).

Before: TASHIMA and NGUYEN, Circuit Judges, and WALTER, District Judge.[***]

This Court has the discretion to dismiss appeals because of deficiencies in the briefs. *See N/S Corp. v. Liberty Mut. Ins. Co.*, 127 F.3d 1145, 1146 (9th Cir. 1997). "Federal Rule of Appellate Procedure 28 and our corresponding Circuit Rules 28–1 to –4 clearly outline the mandatory components of a brief on appeal. These rules exist for good reason." *Sekiya v. Gates*, 508 F.3d 1198, 1200 (9th Cir. 2007) (per curiam). "In order to give fair consideration to those who call upon us for justice, we must insist that parties not clog the system by presenting us with a slubby mass of words rather than a true brief." *Id.* (quoting *N/S Corp.*, 127 F.3d at 1146). Failure to comply with Rule 28, by itself, is sufficient ground to justify dismissal of an appeal. *Han v. Stanford Univ. Dining Servs.*, 210 F.3d 1038, 1039–40 (9th Cir. 2000).

Here, in an appeal challenging a district court's dismissal of an amended complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), the appellants filed an opening brief containing only a handful of record citations and under-developed legal arguments, which is of little use to this Court. *See Mitchel v. Gen. Elec. Co.*, 689 F.2d 877, 879 (9th Cir. 1982) (per curiam) ("The brief and list of

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[***] The Honorable Donald E. Walter, Senior United States District Judge for the Western District of Louisiana, sitting by designation.

citations are of little use to us."). In violation of Federal Rule of Appellate

Procedure 28(a)(7), (a)(8)(A), and (e), the appellants' brief includes only five

record citations, none of which appear in what purports to be the argument section,

and offers internally inconsistent, unsupported, and incomplete legal arguments. In

violation of Rule 28(a)(9), the conclusion fails to state the precise relief sought, an

error which is compounded by an overall lack of effort to differentiate between the

various respondents' alleged roles, and related exposure to liability, in the

presentation of legal claims.

Instead of briefing the legal issues before this Court, the appellants violate

Circuit Rule 30–1.5 by including their memoranda of law filed below. *See* Excerpts

of Record 30–49, 128–144, 260–268, 295–317. And, in an appeal arising under

Washington law, the appellants fail to cite a controlling Washington Supreme

Court decision, *Frias v. Asset Foreclosure*, 334 P.3d 529 (Wash. 2014) (en banc),

which forecloses one issue on appeal.

"[D]espite the abject deficiency of the brief," *Sekiya*, 508 F.3d at 1200, our

review of the record and merits of the case leaves us satisfied that the district court

did not err. *See N/S Corp.*, 127 F.3d at 1146 (recognizing that "we would feel most

uneasy if this were an otherwise meritorious appeal, which cried out for reversal of

the district court's decisions"); *Mitchel*, 689 F.2d at 879 (acknowledging harshness

of dismissal but noting that appellant's unsubstantiated and conclusory allegations would be insufficient to succeed on the merits).

APPEAL DISMISSED.