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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JANEECE FIELDS,

Plaintiff-Appellant,

v.

BANK OF NEW YORK MELLON; et al.,

Defendants-Appellees.

No. 17-17537

D.C. No. 3:17-cv-00272-JST

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Janeece Fields appeals pro se from the district court's judgment dismissing her action alleging federal and state law claims related to a loan on her real property. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Cervantes v.*

* 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).

1 *Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040 (9th Cir. 2011).

2 We may affirm on any basis supported by the record. *Johnson v. Riverside*

3 *Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

4 In her opening brief, Fields fails to address the grounds for dismissal of her
5 claims related to the 2007 deed of trust, the dismissal of defendant Bank of
6 America, the striking of her claims based on a violation of the state court’s
7 temporary restraining order, and the denial of her motion to name doe defendants.

8 Therefore, Fields has waived her challenge to the district court’s disposition of
9 these claims and these issues. *See Indep. Towers of Wash. v. Washington*, 350
10 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not
11 actually argued in appellant’s opening brief.”); *Acosta-Huerta v. Estelle*, 7 F.3d
12 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant’s
13 opening brief are waived); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir.
14 1994) (“We will not manufacture arguments for an appellant, and a bare assertion
15 does not preserve a claim . . .”).

16 The district court properly dismissed Fields’s claims related to the 2016
17 notice of default and notice of trustee’s sale because Fields failed to allege facts
18 sufficient to state a plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th

1 Cir. 2010) (although pro se pleadings are to be liberally construed, a plaintiff must
2 present factual allegations sufficient to state a plausible claim for relief).

3 The district court did not abuse its discretion by denying Fields's motion for
4 leave to amend to add new defendants and claims based on a violation of the state
5 court's temporary restraining order. *See Serra v. Lappin*, 600 F.3d 1191, 1200 (9th
6 Cir. 2010) (setting forth standard of review and factors for permitting leave to
7 amend).

8 **AFFIRMED.**