

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2018

FOR THE NINTH CIRCUIT

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

NIKI-ALEXANDER SHETTY, FKA Satish
Shetty,

Plaintiff-Appellant,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant-Appellee.

No. 17-55982

D.C. No. 2:16-cv-08986-MWF-JPR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted August 15, 2018**

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

Niki-Alexander Shetty, FKA Satish Shetty, appeals pro se from the district court's judgment dismissing his diversity action alleging state law claims related to foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Fed. R. Civ. P.

* 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).

12(b)(6). *Thompson v. Paul*, 547 F.3d 1055, 1058 (9th Cir. 2008). We affirm.

The district court properly dismissed Shetty’s action because Shetty failed to allege facts sufficient to “state a claim that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009) (explaining that “[a] pleading that offers labels and conclusions” or “naked assertions devoid of further factual enhancement” is insufficient to survive a motion to dismiss (citation and internal quotation marks omitted)).

The district court did not abuse its discretion by taking judicial notice of certain public records and bankruptcy court documents, and considering documents referenced in Shetty’s complaint without converting defendant’s Rule 12(b)(6) motion to dismiss into a motion for summary judgment. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001) (setting forth standard of review for decision to take judicial notice, and describing material that a district court may consider when ruling on a Rule 12(b)(6) motion).

The district court did not abuse its discretion by granting defendant’s motion to dismiss without first holding a hearing. *See* Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. R. 7-15 (“The Court may dispense with oral argument on any motion except where an oral hearing is required by statute, the [Federal Rules of Civil Procedure] or these Local Rules.”).

The district court did not abuse its discretion by denying leave to amend because amendment of the complaint would be futile. *See United States ex rel. Lee v. SmithKline Beecham, Inc.*, 245 F.3d 1048, 1051-52 (9th Cir. 2001) (setting forth standard of review).

We reject as unsupported by the record Shetty's contentions that the district court exhibited bias and violated Shetty's due process rights.

AFFIRMED.