

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 13 2018

FOR THE NINTH CIRCUIT

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

YOLANDA BUMATAY MULATO and
ZOSIMA BUMATAY MULATO,

Plaintiffs-Appellants,

v.

WELLS FARGO BANK, N.A. and WELLS
FARGO HOME MORTGAGE, a division of
Wells Fargo Bank NA,

Defendants-Appellees.

No. 17-15011

D.C. No. 3:14-cv-00884-NC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Nathanael M. Cousins, Magistrate Judge, Presiding

Submitted September 4, 2018**
San Francisco, California

Before: BERZON and FRIEDLAND, Circuit Judges, and DOMINGUEZ,**
District Judge.

* 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).

*** The Honorable Daniel R. Dominguez, United States District Judge for the District of Puerto Rico, sitting by designation.

Yolanda Mulato appeals from the denial of her motion to vacate a judgment in favor of Wells Fargo. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we AFFIRM.

“[M]ootness by reason of settlement does not justify vacatur of a judgment under review.” *U.S. Bancorp Mortg. Co. v. Bonner Mall P’ship*, 513 U.S. 18, 29 (1994). Here, Mulato voluntarily settled her claims against Wells Fargo. The record makes clear that the settlement was neither “happenstance” nor unrelated to this litigation. Her argument that the underlying judgment in favor of Wells Fargo should be vacated is therefore foreclosed by *U.S. Bancorp*.

AFFIRMED.