

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 24 2019

FOR THE NINTH CIRCUIT

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

SATINDERJIT CHADHA,

No. 18-55530

Plaintiff-Appellant,

D.C. No. 2:17-cv-05641-SJO-MRW

v.

JPMORGAN CHASE BANK, N.A.; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Satinderjit Chadha appeals from the district court's judgment dismissing his foreclosure action under Federal Rule of Civil Procedure 41(b) for failure to file an amended complaint. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

The district court dismissed Chadha's action for failure to prosecute under

* 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).

Rule 41(b). Because Chadha’s opening brief does not raise this issue, Chadha has waived any challenge to the district court’s dismissal of his action. *See Fields v. Palmdale Sch. Dist.*, 427 F.3d 1197, 1203 n.6 (9th Cir. 2005) (concluding that, by failing to raise the issue in their opening brief, the plaintiffs waived their challenge to the district court’s decision not to exercise supplemental jurisdiction over their remaining state law claims); *Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant’s opening brief.”); *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”).

AFFIRMED.