

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2021

FOR THE NINTH CIRCUIT

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

CHARITY M. SEYMOUR, AKA Charity
Pantalion Seymour,

Plaintiff-Appellant,

v.

NATIONSTAR MORTGAGE LLC; et al.,

Defendants-Appellees,

and

WILSHIRE CREDIT CORPORATION
HOME LOANS DIRECT; et al.,

Defendants.

No. 20-15489

D.C. No. 2:19-cv-00564-MCE-KJN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted December 14, 2021**

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

* 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).

Charity M. Seymour appeals from the district court's order dismissing her action alleging violations of the Truth in Lending Act and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6) on the basis of res judicata. *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005). We affirm.

The district court properly dismissed Seymour's action because Seymour's claims were raised, or could have been raised, in Seymour's prior federal action between parties that were in privity with defendants and that resulted in a final judgment on the merits. *See id.* at 987-88 (setting forth elements of res judicata and explaining this court's transaction test used to determine whether two actions share a common nucleus of operative fact).

AFFIRMED.