

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2022

FOR THE NINTH CIRCUIT

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

STEPHEN H. JOHNSON; PAULA A.
JOHNSON,

No. 21-55208

Plaintiffs-Appellants,

D.C. No. 5:19-cv-01387-PA-GJS

v.

MEMORANDUM*

CALIBER HOME LOANS, INC.; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Stephen H. Johnson and Paula A. Johnson appeal pro se from the district court's order denying their second motion for post-judgment relief in their action arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah*

* 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).

County, Or. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying the Johnsons’ second motion for post-judgment relief because the Johnsons failed to establish any basis for such relief. *See id.* at 1262-63 (grounds for reconsideration under Federal Rule of Civil Procedure 60(b)).

The Johnsons’ reliance on *Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc.*, 140 S. Ct. 1589 (2020), is misplaced because that case concerns claim preclusion under federal law. *See Costantini v. Trans World Airlines*, 681 F.2d 1199, 1201 (9th Cir. 1982) (“A federal court sitting in diversity must apply the res judicata law of the state in which it sits.”).

AFFIRMED.