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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAS VEGAS CASINO CORPORATION,

Plaintiff-Appellant,

v.

NEWREZ, LLC, DBA Shellpoint
Mortgage Servicing,

Defendant-Appellee.

No. 21-16490

D.C. No.
2:20-cv-01658-RFB-DJA

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Richard F. Boulware II, District Judge, Presiding

Submitted December 5, 2022**
Pasadena, California

Before: KELLY,** IKUTA, and CHRISTEN, 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).

*** The Honorable Paul J. Kelly, Jr., United States Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.

Las Vegas Casino Corporation (Las Vegas) appeals the district court's dismissal of its complaint for failure to state a claim. *See* Fed. R. Civ. P. 12(b)(6). We have jurisdiction under 28 U.S.C. § 1291 and review the district court's decision de novo. *See In re Cutera Sec. Litig.*, 610 F.3d 1103, 1107 (9th Cir. 2010). We reject Las Vegas's claim that the ten-year period, *see* Nev. Rev. Stat. § 106.240, elapsed as to Shellpoint's deed of trust because Shellpoint's Notice of Rescission cancelled any prior acceleration and reset the ten-year clock. *See SFR Invs. Pool 1, LLC v. U.S. Bank N.A. ("Gotera")*, 507 P.3d 194, 196–197 & n.4 (2022). Las Vegas's arguments seeking to distinguish *Gotera* are unpersuasive.

Because we affirm on the grounds decided by the district court, we do not consider the alternative grounds raised by Shellpoint on appeal.¹

AFFIRMED.

¹ We deny Las Vegas's motion to stay the appeal pending the Nevada Supreme Court's disposition in *Gotera* as moot.