

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2023

FOR THE NINTH CIRCUIT

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

MARY A. NELSON ROGERS,

Plaintiff-Appellant,

and

MARY ALICE NELSON ROGERS
FAMILY TRUST,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.;
QUALITY LOAN SERVICE, INC.,

Defendants-Appellees,

and

WASHINGTON MUTUAL BANK, F.A.;
SCHOOLS FINANCIAL CREDIT UNION,

Defendants.

No. 22-15469

D.C. No. 2:21-cv-02151-JAM-KJN

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Mary A. Nelson Rogers appeals pro se from the district court's judgment dismissing her diversity action arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's denial of a motion to remand. *Yocupicio v. PAE Grp., LLC*, 795 F.3d 1057, 1059 (9th Cir. 2015). We affirm.

The district court properly denied Rogers's motion to remand the case to state court because the requirements for diversity jurisdiction were met and the only non-diverse defendants were fraudulently joined to defeat diversity jurisdiction. *See* 28 U.S.C. § 1332(a) (setting forth requirements for diversity jurisdiction); *Rouse v. Wachovia Mortg., FSB*, 747 F.3d 707, 709 (9th Cir. 2014) (a national bank "is a citizen only of the state in which its main office is located"); *Hamilton Materials, Inc. v. Dow Chem. Corp.*, 494 F.3d 1203, 1206 (9th Cir. 2007) (exception to requirement for complete diversity exists where a non-diverse defendant is fraudulently joined); *Ritchey v. Upjohn Drug Co.*, 139 F.3d 1313,

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1318 (9th Cir. 1998) (“If the plaintiff fails to state a cause of action against a resident defendant, and the failure is obvious according to the settled rules of the state, the joinder of the resident defendant is fraudulent.” (citation and internal quotation marks omitted)); *Lueras v. BAC Home Loans Servicing, LP*, 163 Cal. Rptr. 3d 804, 835-36 (Ct. App. 2013) (requirements of a quiet title claim under California law).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions are denied.

AFFIRMED.