

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FEB 20 2026

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

MARY LOVE,

Plaintiff - Appellant,

v.

TRI COUNTIES BANK,

Defendant - Appellee.

No. 24-3540

D.C. No. 2:22-cv-01761-TLN-CKD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Troy L. Nunley, District Judge, Presiding

Submitted February 18, 2026\*\*

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

Mary Love appeals pro se the district court's judgment dismissing her action alleging federal and state law claims arising from her home equity loan with Tri Counties Bank. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for failure to comply with a court order.

---

\* 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).

*Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion in dismissing Love's action because Love failed to comply with the district court's order instructing her to submit her discovery responses to Tri Counties Bank, despite being warned that failure to do so would result in dismissal. *See id.* at 642-43 (factors to be considered under Federal Rule of Civil Procedure 41(b) in determining whether to dismiss for failure to comply with a court order).

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 and requests are denied.

**AFFIRMED.**