

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

JOHN ARTHUR SHEPARDSON Esquire,

No. 25-2628

Plaintiff - Appellant,

D.C. No. 5:23-cv-05497-NC

v.

MEMORANDUM*

U.S. BANK TRUST NATIONAL
ASSOCIATION, as Trustee for Bungalow
Series IV Trust; SN SERVICING
CORPORATION,

Defendants - Appellees.

Appeal from the United States District Court
for the Northern District of California
Nathanael M. Cousins, Magistrate Judge, Presiding**

Submitted September 22, 2026***

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

John Arthur Shepardson appeals pro se from the district court's summary

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

judgment in his action alleging federal and state law claims arising from collection of a balloon payment loan. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Fed. Home Loan Mortg. Corp. v. SFR Invs. Pool 1, LLC*, 893 F.3d 1136, 1144 (9th Cir. 2018) (summary judgment); *Puri v. Khalsa*, 844 F.3d 1152, 1157 (9th Cir. 2017) (dismissal under Fed. R. Civ. P. 12(b)(6)). We affirm.

The district court properly granted summary judgment on Shepardson's claims under California's Unfair Competition Law ("UCL") and False Advertising Law ("FAL") because Shepardson failed to raise a genuine dispute of material fact as to whether he was entitled to injunctive relief or restitution. *See City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983) (explaining that a plaintiff's standing to seek injunctive relief depends on whether the plaintiff is likely to suffer future injury from the actions complained of); *Pulaski & Middleman, LLC v. Google, Inc.*, 802 F.3d 979, 988 (9th Cir. 2015) (explaining that "[r]estitution under the UCL and FAL must be of a measurable amount to restore to the plaintiff what has been acquired by violations of the statutes, and that measurable amount must be supported by evidence" (citation and internal quotation marks omitted)).

The district court properly dismissed Shepardson's remaining claims because Shepardson failed to allege facts sufficient to state a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim

to relief that is plausible on its face” (citation and internal quotation marks omitted)); *Oasis W. Realty, LLC v. Goldman*, 250 P.3d 1115, 1121 (Cal. 2011) (setting forth elements of a breach of contract claim under California law); *Taus v. Loftus*, 151 P.3d 1185, 1209 (Cal. 2007) (setting forth elements of a defamation claim under California law); *Artiglio v. Corning Inc.*, 957 P.2d 1313, 1318 (Cal. 1998) (setting forth elements of a claim for negligence under California law); *Jones v. Wachovia Bank*, 179 Cal. Rptr. 3d 21, 28 (Ct. App. 2014) (setting forth elements of a promissory estoppel claim under California law); *Apollo Cap. Fund, LLC v. Roth Cap. Partners, LLC*, 70 Cal. Rptr. 3d 199, 210, 213 (Ct. App. 2007) (setting forth elements of claims for intentional and negligent misrepresentation under California law); *Tarmann v. State Farm Mut. Auto. Ins. Co.*, 2 Cal. Rptr. 2d 861, 863-64 (Ct. App. 1991) (setting forth elements of a claim for promise without intent to perform under California law); *see also* 15 U.S.C. §§ 1639f, 1639g, & 1666 (setting forth billing and notice requirements applicable to servicers of home loans); 12 C.F.R. § 1026.41 (setting forth requirements for residential mortgage loan servicers to provide periodic statements).

The district court did not abuse its discretion in denying Shepardson’s motion to file a fourth amended complaint because Shepardson failed to establish a basis for such relief. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-10 (9th Cir. 1992) (setting forth standard of review and “good cause”

requirement to modify a scheduling order, including to file untimely pleadings).

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).

AFFIRMED.