

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

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

ERLINDA ABIBAS ANIEL,

Plaintiff - Appellant,

v.

HSBC BANK USA, N.A., As Trustee for
Deutsche Alt-A Securities Mortgage Loan
Trust, Series 2007-OA5; WESTERN
PROGRESSIVE, LLC,

Defendants - Appellees.

No. 25-2608

D.C. No. 4:23-cv-04355-YGR

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Yvonne Gonzalez Rogers, District Judge, Presiding

Submitted September 22, 2026**

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

Erlinda Abibas Aniel appeals pro se from the district court's order
dismissing her diversity action alleging claims related to the foreclosure and sale of

* 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). Aniel's request for oral argument, set forth in the opening brief, is denied.

her home. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6) based on issue preclusion. *Love v. Villacana*, 73 F.4th 751, 754 (9th Cir. 2023). We affirm.

The district court properly dismissed Aniel's action because the issues of whether she had paid her mortgage debt and whether defendants had an enforceable interest in the deed of trust were actually litigated and decided in Aniel's prior 2019 bankruptcy action. *See id.* (setting forth requirements for issue preclusion under federal law); *McClain v. Apodaca*, 793 F.2d 1031, 1033 (9th Cir. 1986) (the preclusive effect of a prior bankruptcy court decision is determined under the federal issue preclusion standard). Contrary to Aniel's contention relying on 11 U.S.C. § 349, her voluntary dismissal of her bankruptcy case did not vacate the bankruptcy court's decision regarding HSBC's proof of claim. *See* 11 U.S.C. § 349 (vacating upon dismissal of a bankruptcy case only certain orders and judgments that affected transfers or interests not applicable here).

We reject as unsupported by the record Aniel's contentions that the district court was biased against her or denied her due process and equal protection.

AFFIRMED.