

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 24 2017

FOR THE NINTH CIRCUIT

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

SATISH SHETTY,

Plaintiff-Appellant,

v.

SELENE FINANCE LP, a Delaware
Limited Partnership; et al.,

Defendants-Appellees.

No. 14-55790

D.C. No. 2:13-cv-03483-BRO-
MAN

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Beverly Reid O'Connell, District Judge, Presiding

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Satish Shetty appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims relating to a mortgage loan on real property transferred to him by the borrower. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Federal

* 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).

Rule of Civil Procedure 12(b)(6), and we may affirm on an basis supported by the record. *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

Dismissal of Shetty's action was proper because Shetty failed to allege facts sufficient to show that he has standing to prosecute claims on behalf of the third-party borrower. *See Sprint Commc'ns Co. v. APCC Servs., Inc.*, 554 U.S. 269, 273-74, 89-90 (2008) (elements of Article III standing; prudential standing requires that a party must assert its own legal rights and may not assert the legal rights of another).

The district court did not abuse its discretion by denying Shetty leave to file a Fourth Amended Complaint because amendment would be futile. *See Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc) (setting forth standard of review and explaining that leave to amend can be denied if amendment would be futile); *see also Chodos v. West Publ'g Co.*, 292 F.3d 992, 1003 (9th Cir. 2002) (a district court's discretion to deny leave to amend is particularly broad when it has afforded plaintiff one or more opportunities to amend).

To the extent Shetty is challenging the district court's order as the representative of a trust, the appeal is dismissed because Shetty, as a non-attorney, "has no authority to appear as an attorney for others than himself." *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir. 1987).

We do not consider matters not specifically and distinctly raised and argued

in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We reject as without merit Shetty's contention regarding ineffective assistance of counsel.

AFFIRMED.