

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 17 2017

FOR THE NINTH CIRCUIT

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

LEODEGARIO SALVADOR,

No. 16-15750

Plaintiff-Appellant,

D.C. No. 2:14-cv-00149-LDG-
GWF

v.

BANK OF AMERICA, N.A.; TRUSTEE
CORPS,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, District Judge, Presiding

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Leodegario Salvador appeals pro se from the district court's summary judgment in his diversity action seeking to quiet title. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Progressive Cas. Ins. Co. v. Owen*, 519

* 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).

F.3d 1035, 1037 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment because Salvador failed to raise a genuine dispute of material fact as to whether Bank of America's interest in the subject property had been extinguished by the foreclosure sale. *See Nev. Rev. Stat. § 116.3116* (a Homeowners Association ("HOA") has a "super priority" lien with respect to other liens, and the HOA's super priority lien may constitute up to nine months of HOA fees); *SFR Invs. Pool 1 v. U.S. Bank, N.A.*, 334 P.3d 409, 414 (Nev. 2014) (a holder of a first deed of trust may preserve its interest in the subject property if the amount of the super priority lien is tendered prior to the HOA foreclosure sale).

AFFIRMED.