

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 3 2017

FOR THE NINTH CIRCUIT

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

JOHN CARLOS TORRES,

Plaintiff-Appellant,

v.

NATIONSTAR MORTGAGE, LLC, Its
Successors and/or Assigns; DOES, 1-25
Inclusive,

Defendants-Appellees.

No. 16-56023

D.C. No. 5:16-cv-00302-JFW-SP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

John Carlos Torres appeals pro se from the district court's judgment dismissing his action seeking rescission of his home loan due to alleged violations of the Truth in Lending Act ("TILA"). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291. We review de novo the district court's dismissal under Fed. R. Civ. P. 12(b)(6). *Dumas v. Kipp*, 90 F.3d 386, 389 (9th Cir. 1996). We affirm.

The district court properly dismissed Torres' action because Torres' TILA rescission claim is time-barred. *See* 15 U.S.C. § 1635(f) (borrower has three years to rescind under TILA); *Miguel v. Country Funding Corp.*, 309 F.3d 1161, 1164 (9th Cir. 2002) (three-year limitation period under TILA is a statute of repose that once expired completely extinguishes the underlying right).

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.