

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2017

FOR THE NINTH CIRCUIT

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

NIKI-ALEXANDER SHETTY, FKA Satish
Shetty,

Plaintiff-Appellant,

v.

MICHAEL ALLEN LEWIS; et al.,

Defendants-Appellees.

No. 17-15656

D.C. No. 5:16-cv-03112-BLF

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Beth Labson Freeman, District Judge, Presiding

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Niki-Alexander Shetty, FKA 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 obtained by third-party borrowers. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a

* 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).

dismissal under Federal Rule of Civil Procedure 19. *Salt River Project Agric. Improvement & Power Dist. v. Lee*, 672 F.3d 1176, 1179 (9th Cir. 2012). We affirm.

The district court did not abuse its discretion in dismissing Shetty's action for failure to join Maria Elena Martinez and Heriberto Martinez because the Martinezes, as the borrowers of mortgages on the subject property, are required parties. *See id.* (describing bases for concluding a party is required to join (citing Fed. R. Civ. P. 19(a))).

The district court did not abuse its discretion by taking judicial notice of certain public records and bankruptcy court documents, and considering documents referenced in Shetty's complaint without converting defendants' motions to dismiss into motions for summary judgment. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001) (setting forth standard of review, and describing documents that a district court may take judicial notice of when ruling on a Rule 12(b)(6) motion).

We reject as unsupported by the record Shetty's contention that the district judge denied his rights to due process and equal protection.

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).

AFFIRMED.