

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 29 2019

FOR THE NINTH CIRCUIT

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

GERALDINE TRICE,

Plaintiff-Appellant,

v.

NATIONAL DEFAULT SERVICING  
CORPORATION; et al.,

Defendants-Appellees.

No. 17-16833

D.C. No.2:16-cv-02101-GMN-  
GWF

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Gloria M. Navarro, District Judge, Presiding

Submitted May 21, 2019\*\*

Before: THOMAS, Chief Judge, LEAVY and FRIEDLAND, Circuit Judges.

Geraldine Trice appeals pro se from the district court's judgment dismissing her action alleging state law claims arising from foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We consider sua sponte whether the district court had subject matter jurisdiction. *Elhouty v. Lincoln Benefit Life Co.*, 886 F.3d

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\* 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).

752, 755 (9th Cir. 2018). We vacate and remand.

Trice filed this action in federal court alleging only state law claims against National Default Servicing Corporation, James Huynh, Michael A. Bosco and Carmen Navejas invoking diversity of citizenship under 28 U.S.C. § 1332(a)(1). Neither the original nor the amended complaint alleged the citizenship of the individual defendants. Defendants did not dispute the existence of complete diversity before the district court, and did not provide a jurisdictional statement on appeal.

We are unable on this record to make a determination as to whether diversity jurisdiction existed. We therefore vacate the district court's judgment and remand for further proceedings.

Nonparty appellee JPMorgan Chase Bank, N.A.'s request for judicial notice (Docket Entry No. 19) and Trice's motion to strike Chase's request for judicial notice (Docket Entry No. 36) are denied.

All other requests are denied.

The parties shall bear their own costs on appeal.

**VACATED and REMANDED.**