

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2018

FOR THE NINTH CIRCUIT

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

KAMBIZ MORADI; HOMA MORADI,
husband and wife,

Plaintiffs-Appellants,

v.

RECONTRUST COMPANY; et al.,

Defendants-Appellees.

No. 17-36030

D.C. No. 3:17-cv-00645-SI

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael H. Simon, District Judge, Presiding

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Kambiz Moradi and Homa Moradi appeal pro se from the district court's judgment dismissing their diversity action arising out of foreclosure proceedings.

We have jurisdiction under 28 U.S.C. § 1291. We affirm.

In their opening brief, the Moradis fail to address how the district court erred

* 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).

in granting defendants' motion to dismiss on the basis that their claims were time-barred. As a result, the Moradis have waived their challenge to the district court's order. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (arguments not raised by a party in its opening brief are deemed waived).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009); *see also Riggs v. Prober & Raphael*, 681 F.3d 1097, 1104 (9th Cir. 2012) (“A plaintiff may not try to amend her complaint through her arguments on appeal.”).

We reject as without merit the Moradis' contention that the district court should have voided the foreclosure sale “on its own motion.”

AFFIRMED.