

MAR 20 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES L. JONES, Jr.,

Plaintiff - Appellant,

v.

RECONTRUST COMPANY, a wholly
owned subsidiary of Bank of America; et
al.,

Defendants - Appellees.

No. 13-16481

D.C. No. 3:12-cv-08079-FJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, District Judge, Presiding

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

James L. Jones, Jr., 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 9th Cir. R. 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), and we affirm.

The district court properly granted summary judgment in Jones’s quiet title action because Jones failed to raise a genuine dispute of material fact as to whether the mortgagee’s interest in the subject property had been satisfied. *See Farrell v. West*, 114 P.2d 910, 911 (Ariz. 1941) (where “it appears there is an unsatisfied balance due to a defendant-mortgagee, or his assignee, the court will not quiet the title until and unless [plaintiff] pays off such mortgage lien”).

We deny Jones’s request for judicial notice set forth in his opening brief.

We reject Jones’s contentions regarding subject matter jurisdiction and due process in the district court.

AFFIRMED.