

DEC 16 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DALE CURTEN,

Plaintiff - Appellant,

v.

RECONTRUST COMPANY, NA and  
BANK OF AMERICA, N.A.,

Defendants - Appellees.

No. 13-55203

D.C. No. 2:12-cv-09565-JFW-  
AGR

MEMORANDUM\*

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

Submitted: December 9, 2015\*\*

Before: WALLACE, RAWLINSON, and IKUTA, Circuit Judges.

Dale Curten appeals pro se from the district court's judgment dismissing his action raising various federal foreclosure-related claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of

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\* 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).

Civil Procedure 12(b)(6). *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040 (9th Cir. 2011). We affirm.

We do not address Curten’s argument that he timely exercised his right of rescission under the Truth in Lending Act because Curten did not assert a rescission claim in his complaint and did not otherwise present this argument to the district court. *See Hillis v. Heineman*, 626 F.3d 1014, 1019 (9th Cir. 2010) (“These arguments are raised for the first time on appeal, and because they were never argued before the district court, we deem them waived.”); *see also Baccei v. United States*, 632 F.3d 1140, 1149 (9th Cir. 2011) (“[This Court] will not reframe an appeal to review what would be in effect a different case than the one decided by the district court.”).

**AFFIRMED.**