

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 31 2017

FOR THE NINTH CIRCUIT

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

ANNA MARIA PREZIO, individual,

No. 15-55545

Plaintiff-Appellant,

D.C. No. 2:14-cv-02778-CBM-JPR

v.

MEMORANDUM*

BANK OF AMERICA CORPORATION,
Successor Countrywide Home Loans, Inc.
Servicing Agent; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Anna Maria Prezio appeals pro se from the district court's judgment dismissing her action alleging federal and state law claims arising from foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo 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 12(b)(6) on the basis of res judicata, *Manufactured Home Cmty. Inc. v. City of San Jose*, 420 F.3d 1022, 1025 (9th Cir. 2005), and we affirm.

The district court properly dismissed Prezio's action as barred by the doctrine of res judicata because her claims were raised, or could have been raised, in her prior state court action against the same parties, which resulted in a final adverse judgment on the merits. *See id.* at 1031 ("To determine the preclusive effect of a state court judgment federal courts look to state law."); *see also MHC Fin. Ltd. P'ship v. City of San Rafael*, 714 F.3d 1118, 1125-26 (9th Cir. 2013) (setting forth elements of res judicata under California law).

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).

Because we affirm the dismissal on the basis of res judicata, we do not consider Prezio's arguments addressing the merits of her claims.

AFFIRMED.