

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2019

FOR THE NINTH CIRCUIT

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

RANDY SPRINGER,

Plaintiff-Appellant,

v.

U.S. BANK, Trustee for Mastr Asset  
Backed Securities Trust 2005-HE1,  
Mortgage Pass Through Certificates, Series  
2005-HE1; et al.,

Defendants-Appellees.

No. 16-16931

D.C. No. 2:15-cv-02471-APG-PAL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Andrew P. Gordon, District Judge, Presiding

Submitted March 12, 2019\*\*

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Randy Springer appeals pro se from the district court's summary judgment and dismissal order in his action alleging federal and state law claims arising out of foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We

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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).

review de novo. *Barnett v. Centoni*, 31 F.3d 813, 815, 816 (9th Cir. 1994). We affirm.

The district court properly granted summary judgment on Springer's wrongful foreclosure claim because Springer failed to raise a genuine dispute of material fact as to whether he has standing to challenge defendant's authority to foreclose or whether U.S. Bank lacks authority to foreclose. *See Wood v. Germann*, 331 P.3d 859, 861 (Nev. 2014) (per curiam) (under Nevada law, a homeowner lacks standing to challenge the validity of a voidable loan assignment); *Edelstein v. Bank of N.Y. Mellon*, 286 P.3d 249, 260-61 (Nev. 2012) (explaining that Nevada law permits the severance and independent transfer of deeds of trusts and promissory notes without impairing the loan beneficiary's right to foreclose).

The district court properly dismissed Springer's fraud claim because Springer failed to allege facts sufficient to satisfy the heightened pleading standard set forth in Federal Rule of Civil Procedure 9(b). *See Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1124-25 (9th Cir. 2009) (holding that circumstances constituting fraud must be stated with particularity).

**AFFIRMED.**