NOT FOR PUBLICATION

FILED

NOV 30 2022

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN R. WILSON, a married man; JACQUELINE M. WILSON, a married woman,

Plaintiffs-Appellants,

v.

JPMORGAN CHASE BANK, N.A., a Florida Corporation and subsidiary of JPMorgan Chase & Co., a Delaware corporation; et al.,

Defendants-Appellees.

No. 20-36011

D.C. Nos. 2:17-cv-00696-RAJ
2:17-cv-01389-RAJ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Submitted November 29, 2022**
San Francisco, California

Before: WALLACE, FERNANDEZ, and SILVERMAN, Circuit Judges.

* 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).

John and Jacqueline Wilson appeal pro se from the district court's summary judgment in favor of JPMorgan Chase Bank, N.A., in the Wilson's action arising out of Chase's conduct relating to a $567,000 loan the Wilsons received from Chase's predecessor-in-interest. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

We review a district court's summary judgment *de novo*. *United States v. Washington*, 928 F.3d 783, 790 (9th Cir. 2019). The district court did not err in granting Chase's motion for summary judgment on the Wilsons' claims. Chase submitted ample evidence to carry its initial burden to show an "absence of evidence" supporting the Wilsons' case. *Celotex v. Catrett*, 477 U.S. 317, 325 (1986). This evidence included affidavits, relevant documentary evidence, and admissions from the Wilsons resulting from their failure to respond to Chase's requests for admission. *See Inland Empire Waterkeeper v. Corona Clay Co.*, 17 F.4th 825, 837 (9th Cir. 2021) (failure to respond to request for admission results in self-executing admission); *see also Muñoz v. United States*, 28 F.4th 973, 978 (9th Cir. 2022) (pro se litigants held to procedural rules just as much as represented litigants). In contrast, the Wilsons failed to submit any evidence in opposition to Chase's motion for summary judgment. Neither the Wilsons' pleading nor their arguments in their briefs are competent evidence to oppose summary judgment. *Anderson v. Liberty Lobby*, 477 U.S. 242, 248 (1986); *Barcamerica Int'l USA Tr.*

v. Tyfield Importers, Inc., 289 F.3d 589, 593 n.4 (9th Cir. 2002).

We review for an abuse of discretion the district court's denial of the Wilsons' post-judgment motions to amend briefing and for reconsideration and further mediation. *See Guenther v. Lockheed Martin Corp.*, 972 F.3d 1043, 1058 (9th Cir. 2022). The district court did not abuse its discretion in denying these motions. The Wilsons identified no grounds that would have compelled the district court to reconsider its summary judgment or allow the Wilsons post-judgment to amend their opposition to Chase's motion for summary judgment. Nor did the Wilsons show the district court abused its discretion by refusing to order further mediation, given that two mediation sessions had already been conducted and Chase's other offers of compromise to the Wilsons were rejected.

AFFIRMED.