

KELLY GRACE ANCHETA, Plaintiff-Appellant,
v.
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; et
al., Defendants-Appellees.

[No. 17-16755.](#)

United States Court of Appeals, Ninth Circuit.

Submitted July 10, 2018^[**].

Filed July 12, 2018.

Appeal from the United States District Court for the Northern District of California; Yvonne Gonzalez Rogers, District Judge, Presiding, D.C. No. 4:16-cv-06520-YGR.

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

NOT FOR PUBLICATION

MEMORANDUM^[*]

Kelly Grace Ancheta appeals from the district court's order dismissing her diversity action alleging violations of state law arising from the foreclosure of her home. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under Fed. R. Civ. P. 12(b)(6). [AE ex rel. Hernandez v. County of Tulare](#), 666 F.3d 631, 636 (9th Cir. 2012). We affirm.

The district court properly dismissed Ancheta's wrongful foreclosure claims arising from (1) defendants' allegedly improper assignment of the deed of trust, and (2) Mortgage Electronic Registration System's alleged lack of "agency relationship" with the beneficiary, because these defects render any such assignment voidable, not void. See [Yvanova v. New Century Mortg. Corp.](#), 365 P.3d 845, 852 (Cal. 2016) (explaining that **A VOIDABLE TRANSACTION IS SUBJECT TO RATIFICATION BY THE PARTIES**); [Saterbak v. JPMorgan Chase Bank, N.A.](#), 199 Cal. Rptr. 3d 790, 796 (Ct. App. 2016) (untimely assignment to a securitized trust made after the trust's closing date is merely voidable); see also [Chavez v. Indymac Mortg. Servs.](#), 162 Cal. Rptr. 3d 382, 390 (Ct. App. 2013) (elements of wrongful foreclosure claim under California law). We reject as without merit

Ancheta's contention that the assignments were invalid because they were robo-signed. See [Mendoza v. JPMorgan Chase Bank, N.A.](#), 212 Cal. Rptr. 3d 1, 15 (Ct. App. 2016) (**HOMEOWNERS LACK STANDING TO CHALLENGE THE VALIDITY OF ROBO-SIGNATURES**); see also [Chavez v. Indymac Mortg. Servs.](#), 162 Cal. Rptr. 3d 382, 390 (Ct. App. 2013) (elements of wrongful foreclosure claim under California law).

The district court did not abuse its discretion by denying Ancheta leave to amend because amendment would be futile. See [AE ex rel. Hernandez](#), 666 F.3d at 636 (setting forth standard of review and explaining that a district court may deny leave to amend where the proposed amendments would be futile).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. See [Padgett v. Wright](#), 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

[*] This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.