

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**Del Rosario v. Wells Fargo Bank, N.A.**

714 F. App'x 722 (9th Cir. 2018) · No. 17-56466 · Decided March 1, 2018

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OPINION

PER CURIAM.

NOT FOR PUBLICATION FILED UNITED STATES COURT OF APPEALS MAR 1 2018  
MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT AMOR  
MEDINA DEL ROSARIO; ELVIE No. 17-56466 CANLAS DEL ROSARIO, D.C. No. 3:16-cv-  
00649-BEN-NLS Plaintiffs-Appellants, v. MEMORANDUM\* WELLS FARGO BANK, N.A., as  
Trustee for the Merrill Lynch Mortgage Investors Trust, Series 2006-F1.; PNC MORTGAGE,  
INC., FKA National City Mortgage Company, Defendants-Appellees.

Appeal from the United States District Court for the Southern District of California Roger T. Benitez, District Judge, Presiding Submitted February 13, 2018\*\* Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges. Amor Medina Del Rosario and Elvie Canlas Del Rosario appeal pro se from the district court's order denying their motion to vacate its judgment dismissing \* 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). their diversity action alleging claims related to their mortgage. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993).

We affirm. The district court did not abuse its discretion by denying appellants' motion to vacate because appellants failed to establish any basis for relief. See *id.* at 1263 (grounds for reconsideration under Federal Rule of Civil Procedure 60(b)).

We do not consider arguments raised for the first time on appeal or 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. 2 17-56466