

JUN 23 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: SHMUEL ERDE,

Debtor,

SHMUEL ERDE,

Appellant,

v.

JOHN B. TAYLOR, Esq.,

Appellee.

No.

D.C. No. 2:12-cv-04697-JAK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John A. Kronstadt, District Judge, Presiding

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Shmuel Erde appeals pro se from the district court's order dismissing his adversary action alleging fraud, fraud upon the court, violation of court order, and breach of professional and ethical duties. We have jurisdiction under 28 U.S.C. § 158(d). We review independently the bankruptcy court's decision without deference to the district court's determination. *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004). We affirm.

Erde has failed to address in his opening brief any of the claims alleged in his complaint or the grounds for dismissal, and has therefore waived his appeal of the district court's order. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant's opening brief.”); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1993) (issues not supported by argument in pro se appellant's opening brief are waived).

We do not consider Erde's challenges to the Bankruptcy Court's jurisdiction in a separate action because those issues are outside the scope of this appeal.

AFFIRMED.