

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2017

FOR THE NINTH CIRCUIT

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

KOFI OBENG-AMPONSAH,

No. 14-56369

Plaintiff-Appellant,

D.C. No. 5:14-cv-00262-GHK-JC

v.

MEMORANDUM*

U.S. BANK NATIONAL ASSOCIATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Kofi Obeng-Amponsah appeals pro se from the district court's judgment dismissing his diversity action alleging foreclosure related claims. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

* 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). Accordingly, plaintiff's request for oral argument set forth in the opening brief is denied.

In his opening brief, plaintiff fails to address how the district court erred in dismissing his action for failure to respond to defendant's motion to dismiss. As a result, he has waived his appeal of the dismissal order. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant . . .”).

Because we affirm the district court's dismissal for failure to respond, we do not consider plaintiff's challenge to the district court's interlocutory orders. *See Al-Torki v. Kaempfen*, 78 F.3d 1381, 1386 (9th Cir. 1996).

All pending motions are denied.

AFFIRMED.