

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 27 2017

FOR THE NINTH CIRCUIT

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

RONALD SPENCER MAZZAFERRO,

No. 15-15988

Creditor-Appellant,

D.C. No. 3:14-cv-01707-JST

v.

MEMORANDUM*

WILLIAM PARISI,

Debtor-Appellee.

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Ronald Spencer Mazzaferro appeals pro se from the district court's order denying his motion for rehearing. We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291. We review de novo the district court's decision on appeal from the bankruptcy court and apply the same standard of review applied by the

* 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, appellant's request for oral argument, set forth in his motion to consolidate, is denied.

district court. *In re AFI Holding, Inc.*, 525 F.3d 700, 702 (9th Cir. 2008). We affirm.

The district court denied Mazzaferro's motion for rehearing of its order affirming the bankruptcy court's order dismissing Mazzaferro's involuntary petition against William Parisi. In his opening brief, Mazzaferro fails to address how the district court erred. As a result, he has waived his appeal of the district court's 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.”); *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We review only issues which are argued specifically and distinctly in the opening brief.”).

We reject as without merit Mazzaferro's contentions that the bankruptcy court and the district court violated due process.

To the extent that Mazzaferro challenges the district court's order denying his motion to unseal, the district court did not err in denying the request because Mazzaferro did not seek relief from the bankruptcy court in the first instance but presented the request for the first time on appeal to the district court.

To the extent that Mazzaferro seeks an order from this court directing the bankruptcy court and district court to unseal judicial records, the request is denied.

All pending motions are denied.

AFFIRMED.