

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2017

FOR THE NINTH CIRCUIT

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

DONAVON HENDERSON,

Plaintiff-Appellant,

v.

SELECT PORTFOLIO SERVICES, INC.;  
et al.,

Defendants-Appellees.

No. 16-15935

D.C. No. 3:15-cv-03028-JD

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
James Donato, District Judge, Presiding

Submitted June 26, 2017\*\*

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Donavon Henderson appeals pro se from the district court's judgment dismissing for failure to prosecute his action alleging federal claims arising out of a residential home loan transaction. We have jurisdiction under 28 U.S.C. § 1291.

We affirm.

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\* 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).

We do not consider the merits of the district court’s dismissal of Henderson’s action because Henderson does not raise any argument in his opening brief concerning the district court’s dismissal of his action. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[A]rguments not raised by a party in its opening brief are deemed waived.”); *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

**AFFIRMED.**