

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 26 2017

FOR THE NINTH CIRCUIT

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

In re: STEPHEN LAW,

No. 16-60041

Debtor.

BAP No. 15-1248

STEPHEN LAW,

MEMORANDUM*

Appellant,

v.

EZRA BRUTZKUS GUBNER LLP,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Kurtz, Dunn, and Taylor, Bankruptcy Judges, Presiding

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Chapter 7 debtor Stephen Law appeals pro se from an order of the Bankruptcy Appellate Panel (“BAP”) dismissing his appeal as moot. We have

* 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).

jurisdiction under 28 U.S.C. § 158(d). We affirm.

In his opening brief, Law fails to address the basis for the BAP's order dismissing his appeal. As a result, he has waived any challenges to the 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 will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

The BAP properly dismissed Law's appeal of the bankruptcy court's order imposing conditions on the release of funds because the appeal was rendered moot by Law's later receipt of the funds at issue. *See Vegas Diamond Props., LLC v. FDIC*, 669 F.3d 933, 936 (9th Cir. 2012) (“An appeal is moot if no present controversy exists as to which an appellate court can grant effective relief.”).

The BAP properly declined to address issues not addressed in the bankruptcy court's order that is the subject of this appeal. We also decline the parties' requests to address issues beyond the scope of this appeal.

AFFIRMED.