

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1227

In Re: ERIK M. DUNLAP,

Debtor.

ERIK M. DUNLAP,

Plaintiff - Appellant,

v.

EDUCATIONAL CREDIT MANAGEMENT CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina,
at Charlotte. Robert J. Conrad, Jr., District Judge. (3:16-cv-00037-RJC)

Submitted: August 24, 2017

Decided: September 7, 2017

Before WILKINSON, SHEDD, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kenneth Love, KARRENSTEIN, LOVE, AND DILLENBECK, Matthews, North Carolina, for Appellant. Lisa P. Sumner, NEXSEN PRUET, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

During the course of his bankruptcy proceedings, Erik M. Dunlap filed an adversary proceeding seeking partial discharge of his student loan debt pursuant to 11 U.S.C. § 523(a)(8) (2012). The bankruptcy court dismissed Dunlap's complaint. Dunlap appealed and the district court dismissed Dunlap's appeal for failure to comply with Fed. R. Bankr. P. 8009(a)(1) as Dunlap had failed properly to designate the issues for appeal. Dunlap now appeals to this court. In his opening brief, however, Dunlap failed to challenge the procedural basis for the district court's dismissal of his appeal. Dunlap, therefore, has forfeited appellate review of the district court's order. *See* Fed. R. App. P. 28(a)(8)(A); *see also Wahi v. Charleston Area Med. Ctr., Inc.*, 562 F.3d 599, 605 n.13 (4th Cir. 2009) (failure to challenge issue on appeal waives appellate review of issue); *Skinner v. First Union Nat'l Bank*, No. 98-1627, 1999 WL 261944, at *1-*2 (4th Cir. May 3, 1999) (argued but unpublished) (where district court dismissed appeal of bankruptcy court order for failure to timely file brief, only orders properly on appeal were district court's orders of dismissal and denying reconsideration).

Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED