

OCT 05 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: LORECE WRIGHT,

Debtor.

ANTHONY WRIGHT, Sr.,

Appellant,

v.

BAYVIEW LOAN SERVICING, LLC, a
limited liability company; et al.,

Appellees.

No. 14-56852

D.C. No. 2:11-cv-10248-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted September 27, 2016 **

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

* 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).

Anthony Wright, Sr. appeals pro se from the district court's order dismissing for failure to prosecute Lorece Wright's appeal from the bankruptcy court's order granting summary judgment. We have jurisdiction under 28 U.S.C. § 158(d). We review for an abuse of discretion. *Morrissey v. Stutville (In re Morrissey)*, 349 F.3d 1187, 1190 (9th Cir. 2003). We affirm.

The district court did not abuse its discretion in dismissing Lorece Wright's bankruptcy appeal for failure to prosecute because it warned her that a failure to file an opening brief on her own behalf would result in dismissal, gave her a 30-day extension of time to obtain counsel or file her opening brief, and did not dismiss the appeal until two years after she failed to submit her opening brief. *See Moneymaker v. CoBen (In re Eisen)*, 31 F.3d 1447, 1451 (9th Cir. 1994) (discussing factors courts must consider when deciding whether to dismiss for failure to prosecute).

Because we affirm the district court's dismissal for failure to prosecute, we do not consider Lorece Wright's challenges to the bankruptcy court's orders granting summary judgment. *See In re Morrissey*, 349 F.3d at 1190.

We reject as without merit Lorece Wright's contentions that the bankruptcy court lacked jurisdiction

Lorece Wright's requests, set forth in the opening and reply briefs, are denied.

AFFIRMED.