

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2017

FOR THE NINTH CIRCUIT

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

In re: KATHLEEN LYNNE RAY,

No. 16-60088

Debtor.

BAP No. 15-1137

KATHLEEN LYNNE RAY,

MEMORANDUM\*

Appellant,

v.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY,

Appellee.

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Lafferty, Dore, and Kirscher, Bankruptcy Judges, Presiding

Submitted November 15, 2017\*\*

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Kathleen Lynne Ray appeals pro se from the Bankruptcy Appellate Panel's

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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).

(“BAP”) judgment affirming the bankruptcy court’s order denying her motion to extend the time to file an opposition to appellee’s motion for relief from the automatic stay and her motion for reconsideration. We have jurisdiction under 28 U.S.C. § 158(d). We independently review the bankruptcy court’s decision without deference to the BAP. *Turtle Rock Meadows Homeowners Ass’n v. Slyman (In re Slyman)*, 234 F.3d 1081, 1085 (9th Cir. 2000). We affirm.

The bankruptcy court did not abuse its discretion by denying Ray’s request for a continuance to file her opposition to appellee’s motion for relief from the automatic stay because Ray failed to show that she would suffer any harm as a result of the denial. *See United States v. 2.61 Acres of Land, More or Less, Situated in Mariposa Cty., Cal.*, 791 F.2d 666, 670 (9th Cir. 1985) (setting forth standard of review and factors utilized for reviewing denials of requested continuances (citation and internal quotation marks omitted)).

The bankruptcy court did not abuse its discretion by denying Ray’s motion for reconsideration because Ray failed to comply with the local bankruptcy court rules. *See Bankr. D. Nev. R. 9014(a)(1)* (explaining that all motions “shall be set so that at least twenty-eight (28) days’ notice of the hearing of the motion is given”).

We reject as without merit Ray’s contention that the order on appeal must be reversed due to the appearance of impropriety.

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Ray's motion to stay appellate proceedings (Docket Entry No. 23) is denied.

**AFFIRMED.**