

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 16 2018

FOR THE NINTH CIRCUIT

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

In re: JOHN PATRICK STOKES,

No. 17-60077

Debtor.

BAP No. 17-1085

JOHN PATRICK STOKES,

MEMORANDUM*

Appellant,

v.

ROBERT G. DRUMMOND, Chapter 13
Trustee,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Kurtz, Faris, and Brand, Bankruptcy Judges, Presiding

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

John Patrick Stokes appeals pro se from the Bankruptcy Appellate Panel's

* 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).

judgment affirming the bankruptcy court's order denying reconsideration of its order denying Stokes's motion to vacate the dismissal of his bankruptcy case. We have jurisdiction under 28 U.S.C. § 158(d). We affirm.

In his opening brief, Stokes fails to address how the bankruptcy court erred by denying his motion for reconsideration. As a result, Stokes has waived his challenge to the bankruptcy court's order denying reconsideration. *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 . . .”).

We do not consider arguments incorporated by reference into the briefs. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (this court reviews only issues argued specifically in a party's opening brief).

Stokes's request for oral argument (Docket Entry No. 9) is denied.

AFFIRMED.