

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2022

FOR THE NINTH CIRCUIT

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

In re: SHMUEL ERDE,

No. 21-56153

Debtor.

D.C. No. 2:21-cv-03050-SB

SHMUEL ERDE,

MEMORANDUM*

Appellant,

v.

CAROLYN A. DYE, Chapter 7 Trustee,

Appellee.

Appeal from the United States District Court
for the Central District of California
Stanley Blumenfeld, Jr., District Judge, Presiding

Submitted December 8, 2022**

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

Shmuel Erde appeals pro se from the district court's judgment affirming the bankruptcy court's order denying Erde's request as a vexatious litigant for

* 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).

permission to file a motion under Federal Rule of Civil Procedure Rule 60. We have jurisdiction under 28 U.S.C. § 158(d). We affirm.

In his opening brief, Erde fails to address how the bankruptcy court erred by denying his request as a vexatious litigant for permission to file a motion to vacate a prior bankruptcy court order. As a result, Erde has waived his challenge to the bankruptcy court's order denying permission. *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 . . .”).

All pending motions and requests are denied.

AFFIRMED.