

DEC 4 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: KENYON K. KELLEY,

Debtor,

JAMES J. O'HAGAN,

Appellant,

v.

NORTHWEST FARM CREDIT  
SERVICES, FLCA,

Appellee.

No. 13-35324

D.C. No. 3:12-cv-05446-BHS

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Benjamin H. Settle, District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

James J. O'Hagan appeals pro se from the district court's judgment

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

dismissing his appeal from orders of the bankruptcy court declaring him to be a vexatious litigant and imposing sanctions. We have jurisdiction under 28 U.S.C. § 158(d). We review for an abuse of discretion a district court's dismissal for non-compliance with non-jurisdictional bankruptcy rules. *Ehrenberg v. Cal. State Univ. (In re Beachport Entm 't)*, 396 F.3d 1083, 1086-87 (9th Cir. 2005). We affirm.

The district court did not abuse its discretion in dismissing O'Hagan's appeal because, despite an order to show cause from the district court as to why it should not dismiss for failure to perfect the appeal, O'Hagan failed to perfect the record for over nine months after filing the appeal. *See id.* at 1087 (stating factors to consider prior to dismissal of bankruptcy appeal for non-compliance with a procedural rule).

To the extent that O'Hagan challenges the denial of his motion for reconsideration, the district court did not abuse its discretion because O'Hagan failed to establish a basis for reconsideration. *See* W.D. Wash. R. 7(h)(1) (setting forth grounds for reconsideration); *Hinton v. Pac. Enters.*, 5 F.3d 391, 395 (9th Cir. 1993) (reviewing application of local rules for abuse of discretion); *see also Sch. Dist. No. 1J, Multnomah Cnty., Or., v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth factors for reconsideration under Fed.R.Civ.P. 59(e)).

We reject as unsupported by the record O'Hagan's contention that the district court judge failed to consider a motion to recuse himself.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

O'Hagan's motion to consolidate, filed on August 22, 2013, is denied as moot.

O'Hagan's motion to stay further action, filed on September 6, 2013, seeking to supplement the record, is denied.

**AFFIRMED.**