

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 24 2017

FOR THE NINTH CIRCUIT

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

In re: ADINA I. ZAHARESCU,

No. 15-55552

Debtor.

D.C. No. 2:13-cv-06606-VAP

ADINA I. ZAHARESCU,

MEMORANDUM*

Appellant,

v.

JPMORGAN CHASE BANK, N.A.,

Appellee.

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, Chief Judge, Presiding

Submitted August 9, 2017**

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

Adina I. Zaharescu appeals pro se from the district court's order affirming the bankruptcy court's order dismissing Zaharescu's chapter 11 bankruptcy case.

* 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).

We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the district court's decision on appeal from the bankruptcy court and apply the same standards of review applied by the district court. *In re Thorpe Insulation Co.*, 677 F.3d 869, 879 (9th Cir. 2012). We affirm.

The bankruptcy court did not abuse its discretion by dismissing Zaharescu's bankruptcy case because the record supports its finding that Zaharescu filed the petition in bad faith. *See* 11 U.S.C. § 1112(b); *Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 828 (9th Cir. 1994) (reviewing for clear error a bankruptcy court's finding of "bad faith" and for an abuse of discretion its decision to dismiss a bankruptcy case as filed in "bad faith").

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).

AFFIRMED.