

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 5 2017

FOR THE NINTH CIRCUIT

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

In re: WILLIAM P. CHENG; JANET
CHENG,

Debtors.

WILLIAM P. CHENG; JANET CHENG,

Appellants,

v.

ARTHUR OSTERBACK; et al.,

Appellees.

No. 16-15759

D.C. No. 2:15-cv-01617-TLN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Chapter 7 debtors William P. Cheng and Janet Cheng appeal pro se from the

* 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).

district court's order dismissing the Chengs' bankruptcy appeal. We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291. We affirm.

In their opening brief, the Chengs fail to address how the district court erred by dismissing their appeal for failure to comply with the court's order and as moot. As a result, the Chengs have waived their challenge to the district court's order. *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 . . .”).

Because we affirm the district court's order dismissing the Chengs' bankruptcy appeal, we do not consider their arguments challenging the bankruptcy court's orders.

AFFIRMED.