

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

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

ANDREW G. CLARK,

No. 17-35247

Plaintiff-Appellant,

D.C. No. 6:14-cv-01103-JR

v.

MEMORANDUM\*

WELLS FARGO BANK, NA; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the District of Oregon  
Michael J. McShane, District Judge, Presiding

Submitted December 18, 2017\*\*

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

Andrew G. Clark appeals pro se from the district court's judgment dismissing his action brought under 42 U.S.C. § 1983 and the Racketeer Influenced and Corrupt Organizations Act, alleging constitutional and statutory violations related to his arrest and prosecution for criminal stalking. We have jurisdiction

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\* 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).

under 28 U.S.C. § 1291. We affirm.

In his opening brief, Clark failed to challenge the district court's orders dismissing his claims against defendants, and therefore Clark waived any challenge to such orders. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[A]rguments 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 . . .”).

Clark's motions for judicial notice (Docket Entry Nos. 13, 18, 50 and 54) and motion to compel (Docket Entry No. 40) are denied.

**AFFIRMED.**