

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 16 2018

FOR THE NINTH CIRCUIT

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

In re: JOHN PATRICK STOKES,

No. 17-60077

Debtor.

BAP No. 17-1085

JOHN PATRICK STOKES,

MEMORANDUM*

Appellant,

v.

ROBERT G. DRUMMOND, Chapter 13
Trustee,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Kurtz, Faris, and Brand, Bankruptcy Judges, Presiding

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

John Patrick Stokes appeals pro se from the Bankruptcy Appellate Panel's

* 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).

judgment affirming the bankruptcy court's order denying reconsideration of its order denying Stokes's motion to vacate the dismissal of his bankruptcy case. We have jurisdiction under 28 U.S.C. § 158(d). We affirm.

In his opening brief, Stokes fails to address how the bankruptcy court erred by denying his motion for reconsideration. As a result, Stokes has waived his challenge to the bankruptcy court's order denying reconsideration. *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 . . .”).

We do not consider arguments incorporated by reference into the briefs. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (this court reviews only issues argued specifically in a party's opening brief).

Stokes's request for oral argument (Docket Entry No. 9) is denied.

AFFIRMED.