

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 26 2023

FOR THE NINTH CIRCUIT

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

ROBERT GARVIN MOORE; TERESA
JEAN MOORE,

Plaintiffs-Appellants,

v.

FLAGSTAR BANK, FSB; WRIGHT
FINLAY & ZAK, LLP; JOSEPH
MCCORMICK III; TOM B. PIERCE; LISA
ARMENIO REIS; PAUL KIM REIS;
KELLER WILLIAMS PREMIER
PARTNERS; PAMELA MCANALLY;
JEFFREY MERRITT WILSON,

Defendants-Appellees.

No. 22-35042

D.C. No. 3:21-cv-05529-RJB

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert J. Bryan, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Robert Gavin Moore and Teresa Jean Moore appeal pro se from the district

* 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).

court's judgment affirming the bankruptcy court's order granting summary judgment in their adversary proceeding. We have jurisdiction under 28 U.S.C. § 158(d). "We review decisions of the bankruptcy court independently without deference to the district court's determinations." *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004). We affirm.

The bankruptcy court properly granted summary judgment on plaintiffs' claims for alleged violation of the automatic stay for the reasons set forth in its orders. *See* 11 U.S.C. § 362(c)(3)(A); *see also Eden Place, LLC v. Sholem Perl (In re Perl)*, 811 F.3d 1120, 1128 (9th Cir. 2019) ("[W]hether [debtor] had actual possession of the property when he filed for bankruptcy has no bearing on whether he had a cognizable possessory interest in the property.").

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.