

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2024

FOR THE NINTH CIRCUIT

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

In re: ARMIN DIRK VAN DAMME,

No. 23-60023

Debtor,

BAP No. 22-1175

MEMORANDUM*

ARMIN DIRK VAN DAMME,

Appellant,

v.

WELLS FARGO BANK, N.A.,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Gan, Corbit, and Brand, Bankruptcy Judges, Presiding

Submitted July 16, 2024**

Before: SCHROEDER, VANDYKE, and KOH, Circuit Judges.

Chapter 13 debtor Armin Dirk Van Damme appeals 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).

Bankruptcy Appellate Panel’s (“BAP”) judgment affirming the bankruptcy court’s order dismissing his adversary proceeding. We have jurisdiction under 28 U.S.C. § 158(d). We affirm.

In his opening brief, Van Damme failed to address the grounds for the bankruptcy court’s dismissal and therefore has waived any such challenge. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (explaining that “we will not consider any claims that were not actually argued in appellant’s opening brief”).

We do not consider matters raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009); *In re Eliapo*, 468 F.3d 592, 603 (9th Cir. 2006) (“Absent exceptional circumstances, issues not raised before the BAP are waived.” (internal quotation marks omitted)).

All pending motions are denied.

AFFIRMED.