

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED
July 6, 2020

Clerk, U.S. Bankruptcy Court

Below is an order of the Court.


U.S. Bankruptcy Judge

OD2 (6/29/12) cal

UNITED STATES BANKRUPTCY COURT
District of Oregon

In re
Brent Evan Webster, xxx-xx-7552
Other names used by debtor: Webster Technologies
Debtor(s)

Case No. 19-34090-pcm13

ORDER OF DISMISSAL
AND ADMINISTRATIVELY
CLOSING CASE

The Court finding that:

Based on the Motions to Dismiss filed by Azonia Haney, SPS, and Alex and Connie Trail, and for the reasons stated on the record at the hearing held on 07/02/2020.

IT IS ORDERED that:

1. This case is dismissed; this case is closed, but only for administrative purposes; and the court shall retain jurisdiction over any adversary proceeding pending at the time of closure.
2. Any trustee (except any Chapter 7 trustee who has already filed a "no asset" inventory and report, and who has not subsequently collected any estate assets) must file any final account as required by Local Rule 2015-1, and upon filing any such final account and any additional final report or account required by the UST the trustee shall, without further court order, be discharged as trustee of the debtor's estate.
3. Any unpaid filing fees are now due and owing. The court will not entertain a motion to reopen this case, or a motion for reconsideration of this order, unless all unpaid fees are paid.
4. Dismissal of the case does not reinstate any transfer avoided by a Chapter 12 or 13 trustee under 11 USC §§544, 547, 548 or 549 to the extent the trustee has received and disbursed proceeds of avoided transfers pursuant to a confirmed Chapter 12 or 13 plan.
5. No further payments will be made to creditors by a trustee; the Bankruptcy Code provisions for an automatic stay of certain acts and proceedings against the debtor(s) and co-debtors and their property are no longer in effect; and creditors should now look directly to the debtor(s) for satisfaction of any balances owing upon their claims.
6. Any previously entered order directing Chapter 13 payments to a trustee is terminated **AND THE DEBTOR'S EMPLOYER (OR OTHER NAMED PARTY) SHOULD DISCONTINUE MAKING PAYMENTS TO THE TRUSTEE.**

###

APPENDIX A

1 Below is an order of the court.
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PETER C. McKITTRICK
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:
Brent Evan Webster,
Debtor

Adversary Case No. 20-03027-pcm
Case No. 19-34090-pcm13
ORDER GRANTING
CREDITORS ALEX AND CONNIE TRAIL'S
MOTION TO DISMISS DEBTOR'S
ADVERSARY PROCEEDING UNDER
FRCP 12 (b)(1) and (6)

Creditors Alex Trail and Connie Trail moved this Court on 3/26/20 ([Doc 4](#)) to dismiss
Adversary Complaint filed by Brent Evan Webster, the debtor in the underlying Chapter 13 case
captioned above. ([Doc 1](#)) The Motion was based on FRBP 7012(a) and (b),

APPENDIX A

1 which incorporates FRCP 12 (b)-(i) and on FRCP 12(b)(1) (Lack of Subject Matter Jurisdiction)
2 and FRCP 12(b)(6) (Failure to state a claim for which relief can be granted).

3 Debtor did not file a formal response to the Motion.

4 The Court held a hearing on the Motion on April 16, 2020. The motion was taken under
5 advisement. A hearing was held on April 30, 2020, wherein the Court made oral findings on
6 Creditors Trail's Motion to Dismiss.

7 Having reviewed the Complaint filed by Debtor, having considered the arguments
8 presented by Creditors in their Motion and Debtor and being fully advised in the premises, and
9 for the reasons identified by the Court at the 4/30/2020 hearing,

10 IT IS HEREBY ORDERED AND ADJUDGED,

11 That Debtor Brent Evan Webster's adversary complaint is DISMISSED with prejudice.

12 ####

13 Presented by:

14 Mark G. Passannante, OSB# 944035
15 Grayson Law LLP
16 7959 SE Foster Rd.
17 Portland, OR 97206
(503) 771-7929
(503) 775-1765 (fax)

18 Of Attorneys for Alex and Connie Trail

19 The Following contested parties are not ecf participants:

20 Brent Evan Webster
21 8701 SE Cottrell Rd.
22 Boring, OR 97009

APPENDIX A

CERTIFICATE OF COMPLIANCE (LBR 9021-1)

I hereby certify that the below-named parties were served with a true copy of the proposed *Order on Creditors' Trail Motion to Dismiss* by mailing said copies to the parties at their last-known addresses below on May 5, 2020.

Brent Evan Webster
8701 SE Cottrell Rd.
Boring, OR 97009

And all others entitled to service – service by ecf

I further certify that the requisite 6 business days required for circulation of the proposed Order have elapsed.

I further certify that I received what purports to be an Objection filed by Debtor on May 14, 2020. However, the Objection does not appear filed yet on ECF. A copy of the Objection is attached. The body of the Objection does not specify that Debtor specifically objects to the form of the Order. Therefore, Creditor's counsel is unable to resolve the objections, as required under LBR 9021-1, if this Court were to consider the May 14, 2020 "Objection" from Debtor as a bona fide objection to the form of the Order.

Date: May 18, 2020.

GRAYSON LAW LLP

/s/ *Mark G. Passannante*

James P. Losk, OSB# 872891
Mark G. Passannante, OSB# 944035
Of Attorneys for Creditors Alex and Connie Trail

APPENDIX B
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRENT EVAN WEBSTER,

Appellant

v.

Case No. 3:20-cv-00878-MO

ALEX TRAIL and CONNIE TRAIL,

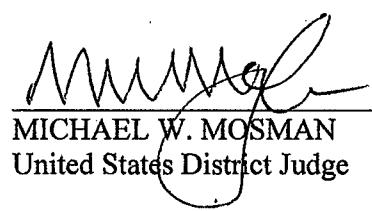
ORDER OF DISMISSAL

Appellees.

MOSMAN, J.,

Based upon the Court's finding that it does not have jurisdiction over this appeal, pursuant to 28 U.S.C. § 157, and Plaintiff's failure to show cause otherwise [ECF 6], it is ordered and adjudged that this case is DISMISSED with prejudice.

DATED this 6 day of August, 2020.


MICHAEL W. MOSMAN
United States District Judge

APPENDIX B
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRENT EVAN WEBSTER,

Appellant,

v.

Case No. 3:20-cv-00879-MO

ALEX TRAIL; and CONNIE TRAIL,

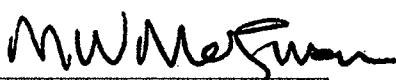
ORDER OF DISMISSAL

Appellees.

MOSMAN, J.,

Based upon this Court's finding that it does not have jurisdiction over this appeal, pursuant to 28 U.S.C. § 157, and Plaintiff's failure to show cause otherwise, it is ordered and adjudged that this case is DISMISSED with prejudice. *See Order [ECF 5].*

DATED this 14 day of August, 2020.


MICHAEL W. MOSMAN
United States District Judge

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BRENT EVAN WEBSTER,

Plaintiff,

v.

No. 3:20-cv-01153-MO

ALEX TRAIL AND CONNIE TRAIL,

Defendants.

OPINION AND ORDER

MOSMAN, J.,

Appellant Brent Evan Webster appeals the bankruptcy court's dismissal under Federal Rule of Bankruptcy Procedure 7012(a) and (b).

The bankruptcy court dismissed Mr. Webster's case pursuant to the Rooker-Feldman doctrine. *See* Appellees' Brief [ECF 17] at 7; B.R. [ECF 3-1] at 4. However, Mr. Webster did not order a transcript of the bankruptcy court's oral ruling, *see* B.R. [ECF 3-1] at 12, and his brief does not articulate a coherent theory for reversing the dismissal on appeal. Instead, throughout his brief he refers to the "bogus law suit in Clackamas County," his "great suspicion of a rigged jury" and the "corrupt legal system" that resulted in his loss at trial, and the trial judge's role in violating his "unalienable and inalienable rights given to him at birth." *See generally* Op. Br. [ECF 9].

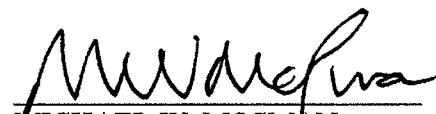
Because Mr. Webster failed to raise any arguments regarding the basis for overturning the bankruptcy court's ruling, he has waived any such challenge on appeal. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) ("[O]n appeal, arguments not raised by a party in its opening brief are deemed waived."); *Greenwood v. F.A.A.*, 28 F.3d 971, 977 (9th Cir. 1994) ("We will not manufacture arguments for an appellant . . .").

CONCLUSION

For the reasons discussed above, the bankruptcy court's decision is AFFIRMED.

IT IS SO ORDERED.

DATED this 11th day of August, 2021.



MICHAEL W. MOSMAN
United States District Judge

**APPENDIX C
NOT FOR PUBLICATION**

FILED

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SEP 16 2021

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

BRENT EVAN WEBSTER,

No. 20-35787

Appellant,

D.C. No. 3:20-cv-00879-MO

v.

MEMORANDUM*

ALEX TRAIL; CONNIE TRAIL,

Appellees.

Appeal from the United States District Court

for the District of Oregon

Michael W. Mosman, District Judge, Presiding

Submitted September 14, 2021**

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

Brent Evan Webster appeals pro se from the district court's judgment dismissing his appeal from the bankruptcy court's order overruling his objection to the proof of claim filed by Alex Trail and Connie Trail. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

* 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).*

APPENDIX C

In his opening brief, Webster fails to address how the district court erred by dismissing his appeal for lack of jurisdiction. As a result, Webster has waived his 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 . . .").

We do not consider matters raised for the first time on appeal. *See Mano-Y & M, Ltd. v. Field (In re Mortg. Store, Inc.)*, 773 F.3d 990, 998 (9th Cir. 2014); *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.

UNITED STATES COURT OF APPEALS
APPENDIX C
FOR THE NINTH CIRCUIT

FILED

JAN 03 2022

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

BRENT EVAN WEBSTER,

Appellant,

v.

ALEX TRAIL and CONNIE TRAIL,

Appellees.

No. 20-35787

D.C. No. 3:20-cv-00879-MO
U.S. District Court for Oregon,
Portland

MANDATE

The judgment of this Court, entered September 16, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX C
NOT FOR PUBLICATION**FILED****UNITED STATES COURT OF APPEALS**
FOR THE NINTH CIRCUIT

SEP 16 2021

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

BRENT EVAN WEBSTER,

No. 20-35799

Appellant,

D.C. No. 3:20-cv-00878-MO

v.

MEMORANDUM*

ALEX TRAIL; CONNIE TRAIL,

Appellees.

Appeal from the United States District Court

for the District of Oregon

Michael W. Mosman, District Judge, Presiding

Submitted September 14, 2021**

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

Brent Evan Webster appeals pro se from the district court's judgment dismissing his appeal from the bankruptcy court's order denying any relief sought in his "objections to no evidence hearings on April 30, 2020," in his adversary proceeding against Alex Trail and Connie Trail. We have jurisdiction under 28

* 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).*

U.S.C. § 1291. We affirm.

APPENDIX C

In his opening brief, Webster fails to address how the district court erred by dismissing his appeal for lack of jurisdiction. As a result, Webster has waived his 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 . . .").

We do not consider matters raised for the first time on appeal. *See Mano-Y & M, Ltd. v. Field (In re Mortg. Store, Inc.)*, 773 F.3d 990, 998 (9th Cir. 2014); *Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.

UNITED STATES COURT OF APPEALS
APPENDIX C
FOR THE NINTH CIRCUIT

FILED

JAN 05 2022

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

BRENT EVAN WEBSTER,

Appellant,

v.

ALEX TRAIL and CONNIE TRAIL,

Appellees.

No. 20-35799

D.C. No. 3:20-cv-00878-MO
U.S. District Court for Oregon,
Portland

MANDATE

The judgment of this Court, entered September 16, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS
APPENDIX C
FOR THE NINTH CIRCUIT

FILED

FEB 09 2022

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

BRENT EVAN WEBSTER,

Appellant,

v.

ALEX TRAIL and CONNIE TRAIL,

Appellees.

No. 21-35740

D.C. No. 3:20-cv-01153-MO
U.S. District Court for Oregon,
Portland

MANDATE

The judgment of this Court, entered January 18, 2022, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Jessica Flores
Deputy Clerk
Ninth Circuit Rule 27-7

FILED

APPENDIX D

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEC 23 2021

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

BRENT EVAN WEBSTER,

No. 20-35787

Appellant,

D.C. No. 3:20-cv-00879-MO

v.

District of Oregon,

ALEX TRAIL; CONNIE TRAIL,

Portland

Appellees.

ORDER

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

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Webster's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 17) are denied. To the extent Webster requests publication of the memorandum disposition, the request is denied.

No further filings will be entertained in this closed case.

APPENDIX D
UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 28 2021

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

BRENT EVAN WEBSTER,

No. 20-35799

Appellant,

D.C. No. 3:20-cv-00878-MO

v.

District of Oregon,
Portland

ALEX TRAIL; CONNIE TRAIL,

ORDER

Appellees.

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

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35..

Webster's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 15) are denied. To the extent Webster requests publication of the memorandum disposition, the request is denied.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
APPENDIX P

FOR THE NINTH CIRCUIT

FILED

JAN 18 2022

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

BRENT EVAN WEBSTER,

No. 21-35740

Appellant,

D.C. No. 3:20-cv-01153-MO

v.

District of Oregon,
Portland

ALEX TRAIL; CONNIE TRAIL,

ORDER

Appellees.

Before: TALLMAN, CHRISTEN, and NGUYEN, Circuit Judges.

Upon a review of the record and the response to the court's October 20, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

No further filings will be entertained in this closed case.

DISMISSED.

**Additional material
from this filing is
available in the
Clerk's Office.**