

July 6, 2020

Clerk, U.S. Bankruptcy Court

**APPENDIX A**

**Below is an order of the Court.**



**U.S. Bankruptcy Judge**

002 (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for an automatic stay of certain acts and proceedings against the debtor(s) and co-debtors and their property are no longer in effect; and creditors should now look directly to the debtor(s) for satisfaction of any balances owing upon their claims.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.**

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**APPENDIX A**

Below is an order of the court.

  
\_\_\_\_\_  
PETER C. MCKITTRICK  
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

BRENT EVAN WEBSTER,	)	Case No.: 19-34090-pcm13
	)	
Debtor,	)	
_____	)	Adv. Proc No.: 20-03025-pcm
BRENT EVAN WEBSTER,	)	ORDER OF DISMISSAL
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SELECT PORTFOLIO SERVICING,	)	
	)	
Defendant.	)	
_____	)	

Based on the record,

IT IS ORDERED AND ADJUDGED that Defendant Select Portfolio Servicing's Motion to Dismiss Plaintiff's Complaint is GRANTED. It is further ordered that this adversary action is DISMISSED WITH PREJUDICE.

###

Rule 9021-1 (a)(2) Certificate of Compliance

**APPENDIX A**

I, the undersigned, certify that I have complied with Rule 9021-1 (a)(2)(B) and that the applicable circulation period has expired prior to lodging this order with the court. Defendant SPS received an objection from Plaintiff to the hearing on Defendant SPS's Motion to Dismiss, however Defendant SPS did not receive an objection to this proposed order.

Dated: 05/21/20

Presented by:

**McCarthy & Holthus, LLP**

s/ John Thomas

John M. Thomas, OSB# 024691

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Portland, OR 97204

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*Of Attorneys for Defendant Select Portfolio Servicing*

Brent Evan Webster

8701 SE 347th Avenue

Boring, OR 97009

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

**BRENT EVAN WEBSTER,**

Appellant,

v.

Case No. 3:20-cv-00875-MO

**SELECT PORTFOLIO SERVICING,  
INC.,**

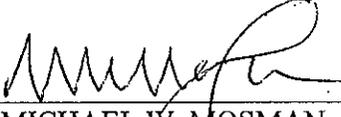
ORDER OF DISMISSAL

Appellee.

**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<sup>th</sup> 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-00876-MO

**SELECT PORTFOLIO SERVICING,  
INC.,**

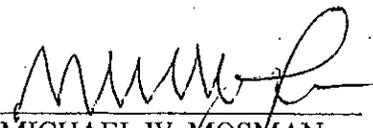
ORDER OF DISMISSAL

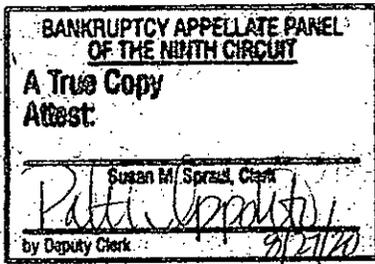
Appellee.

**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, 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

FILED

JUL 28 2020

SUSAN M. SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

In re:	)	BAP No.	OR-20-1138
	)		
BRENT EVAN WEBSTER,	)	Bk. No.	3:19-bk-34090-PCM
	)		
Debtor.	)		
<hr/>			
BRENT EVAN WEBSTER,	)		
	)		
Appellant	)		
	)		
v.	)	ORDER DISMISSING APPEAL	
	)	FOR LACK OF PROSECUTION	
SELECT PORTFOLIO SERVICING,	)		
INC.,	)		
	)		
Appellee.	)		
<hr/>			

Before: TAYLOR, LAFFERTY, and SPRAKER, Bankruptcy Judges.

Appellant did not file a response to the BAP clerk's notice of deficient appeal and impending dismissal regarding the lack of an appeal filing fee for this appeal. A review of the bankruptcy case docket does not show any fee was received. The BAP clerk's notice warned appellant that failure to respond to the notice within fourteen days could result in dismissal of the appeal for lack of prosecution.

Because the appeal filing fee required by 28 U.S.C. § 1930(b) & (c) was not paid, and because appellant did not

**APPENDIX B**

respond to the clerk's notice, this appeal is ORDERED DISMISSED for lack of prosecution. See Fed. R. Bankr. P. 8003(a)(2); 9th Cir. BAP R. 8018(a)-2.

**APPENDIX C**  
NOT FOR PUBLICATION

**FILED**

UNITED STATES COURT OF APPEALS

SEP 16 2021

FOR THE NINTH CIRCUIT

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

BRENT EVAN WEBSTER,

No. 20-35784

Appellant,

D.C. No. 3:20-cv-00876-MO

v.

MEMORANDUM\*

SELECT PORTFOLIO SERVICING, INC.,

Appellee.

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 dismissing his adversary proceeding against Select Portfolio Servicing, Inc. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

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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).

## 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.

SELECT PORTFOLIO SERVICING,  
INC.,

Appellee.

No. 20-35784

D.C. No. 3:20-cv-00876-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