

NOT FOR PUBLICATION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

In re: BRENT EVAN WEBSTER,

No. 20-35905

BRENT EVAN WEBSTER,

D.C. No. 3:20-mc-00903

Petitioner-Appellant.

MEMORANDUM*

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 order imposing a prefiling review restriction on Webster's filings. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

In his opening brief, Webster fails to address how the district court erred by imposing the prefiling review restriction on frivolous or repetitive filings. As a result, Webster has waived his challenge to the district court's order. *See Smith v.*

* 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).*

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.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Case No. 3:20-mc-903

IN RE: BRENT EVANS WEBSTER

PRE-FILING REVIEW ORDER

MOSMAN, J.,

The Court will review all filings by Brent Evan Webster and will direct the Clerk to file only those that are deemed not frivolous or repetitive. This prefiling review order will remain in effect until the Court otherwise directs.

DATED this 2 day of September, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 23 2021

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

In re: BRENT EVAN WEBSTER,

No. 20-35905

BRENT EVAN WEBSTER,

D.C. No. 3:20-mc-00903

District of Oregon,
Portland

Petitioner-Appellant.

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. 10) 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.

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. 20-35979

Appellant,

D.C. No. 3:20-cv-01403-MO

v.

MEMORANDUM*

U.S. BANKRUPTCY COURT,

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 denying his motion for conversion to chapter 12. 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).*

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
FOR THE NINTH CIRCUIT

FILED

JAN 12 2022

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

BRENT EVAN WEBSTER,

No. 20-35979

Appellant,

D.C. No. 3:20-cv-01403-MO

v.

District of Oregon,
Portland

U.S. BANKRUPTCY COURT,

ORDER

Appellee.

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. 10) 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.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRENT EVAN WEBSTER,

Appellant,

Case No. 3:20-cv-01403-MO

v.

ORDER OF DISMISSAL

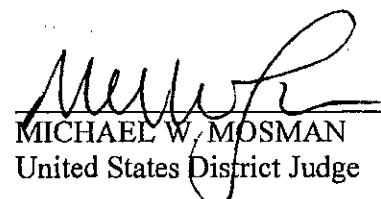
U.S. BANKRUPTCY COURT,

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 31 day of August, 2020.


MICHAEL W. MOSMAN
United States District Judge

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