

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 11 2009

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

MANUEL DAVID LUGO,

Plaintiff - Appellant,

v.

GEORGE VALVERDE, Director of the
California Department of Motor Vehicles,

Defendant - Appellee.

No. 07-56223

D.C. No. CV-07-00109-W

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Argued and Submitted November 20, 2008
Pasadena, California

Before: CUDAHY, ** PREGERSON and HAWKINS, Circuit Judges.

Manuel David Lugo (“Lugo”) appeals from the judgment of the district court dismissing with prejudice his complaint alleging a cause of action under 42 U.S.C. § 1983. We affirm the district court’s dismissal of the action.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Richard D. Cudahy, Senior United States Circuit Judge for the Seventh Circuit, sitting by designation.

Because we write for the parties, we recite the facts only to the extent necessary to our decision. The district court dismissed Lugo’s complaint on the grounds that Lugo’s claims were barred by res judicata and that Lugo failed to state a claim upon which relief could be granted. We may “affirm the district court’s dismissal on any ground supported by the record.” *Wolfe v. Strankman*, 392 F.3d 358, 362 (9th Cir. 2004) (citing *Ecological Rights Found. v. Pac. Lumber Co.*, 230 F.3d 1141, 1153 (9th Cir. 2000)).

The *Rooker-Feldman* doctrine bars Lugo’s cause of action in federal court. There is no subject matter jurisdiction in federal district court over a direct appeal, or a de facto appeal, from a final state court judgment. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003); *Dubinka v. Judges of Superior Court*, 23 F.3d 218, 221 (9th Cir. 1994) (citing *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983) and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923)) (explaining that “[f]ederal district courts may exercise only original jurisdiction; they may not exercise appellate jurisdiction over state court decisions.”). The claims raised by Lugo in federal court were nearly identical to those raised in state court, and were “‘inextricably intertwined’ with the state court’s decision such that the adjudication of the federal claims would undercut the state ruling or require the district court to interpret the application of state laws or procedural rules.” *Bianchi*

v. Rylaarsdam, 334 F.3d 895, 898 (9th Cir. 2003). We therefore AFFIRM the judgment of the district court dismissing with prejudice Lugo's complaint.

AFFIRMED.