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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARMANDO GOMEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>SAN DIEGO FAMILY COURT,</p> <p>Defendant - Appellee.</p>

No. 08-55525

D.C. No. 3:08-cv-00013-DMS-
BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Armando Gomez, a California state prisoner, appeals pro se from the district court’s judgment dismissing his action challenging a state court child custody decision. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

The district court properly concluded that the *Rooker-Feldman* doctrine barred the action because it is a “forbidden de facto appeal” of a state court decision, and raises constitutional claims that are “inextricably intertwined” with that prior state court decision. *Id.* at 1158; *see also Bianchi v. Rylaarsdam*, 334 F.3d 895, 900 n.4 (9th Cir. 2003) (explaining that under the *Rooker-Feldman* doctrine, “[i]t is immaterial that [the plaintiff] frames his federal complaint as a constitutional challenge to the state court[’s] decision[], rather than as a direct appeal of [that decision]”).

AFFIRMED.