

AUG 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HIRAM ASH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ROGER BOREN, Justice of the California Court of Appeal, Second Appellate District; et al.,</p> <p>Defendants - Appellees.</p>
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No. 08-55055

D.C. No. 2:07-cv-7334 ODW-PJW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Otis D. Wright II, District Judge, Presiding

Submitted July 19, 2010\*\*

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Hiram Ash appeals from the district court’s judgment dismissing for lack of subject matter jurisdiction his 42 U.S.C. § 1983 action alleging due process violations concerning state court appellate decisions. We have jurisdiction under

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\* 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).

28 U.S.C. § 1291. We review de novo, and may affirm on any proper ground supported by the record. *Sea Hawk Seafoods, Inc. v. Locke*, 568 F.3d 757, 764 (9th Cir. 2009). We affirm.

The district court properly concluded that it lacked subject matter jurisdiction because, under the *Rooker-Feldman* doctrine, Ash’s action is a “forbidden de facto appeal” of certain transfer and consolidation decisions by the California Court of Appeal, Second District that are “inextricably intertwined” with the state court’s judgment. *Noel v. Hall*, 341 F.3d 1148, 1164 (9th Cir. 2003); *see also Bianchi v. Rylaarsdam*, 334 F.3d 895, 898-900 (9th Cir. 2003) (*Rooker-Feldman* barred plaintiff’s due process claim where his request to vacate the state appellate court’s opinion and to have his appeal reassigned to different justices was inextricably intertwined with the state court judgment whose “undoing” he sought).

We grant Ash’s motion to supplement the record. Ash’s remaining contentions are unpersuasive.

**AFFIRMED.**