

SEP 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: PHILIP EDWARD KAY, attorney
disciplinary matter,

Philip Edward Kay -
Appellant.

No. 11-15253

D.C. No. 3:10-mc-80263-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Philip Edward Kay, an attorney, appeals pro se from the district court's order removing him from the roll of attorneys authorized to practice law before the Northern District of California after Kay was suspended from the practice of law in California. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *In re Corrinet*, 645 F.3d 1141, 1145 (9th Cir. 2011), and 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 did not abuse its discretion in removing Kay from the roll of attorneys authorized to practice law before the Northern District of California after reviewing Kay's response to the court's order to show cause, which included documents from the state disciplinary proceedings that led the California Supreme Court to suspend Kay. *See Selling v. Radford*, 243 U.S. 46, 50-51 (1917) (federal court must review the relevant state court disciplinary record before imposing reciprocal discipline on attorney).

Kay's contention that the district court violated his due process rights when it did not conduct an evidentiary hearing is unpersuasive because the district court proceedings met due process requirements. *See In re Kramer*, 193 F.3d 1131, 1133 (9th Cir. 1999) (due process provided when district court issues an order to show cause to the respondent attorney and reviews the state record).

Kay's motions for judicial notice and for permission to file a supplemental brief are denied.

AFFIRMED.