

JUN 27 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HELEN E. RYAN,

Plaintiff - Appellant,

v.

TIMOTHY M. HYDEN, a California
resident and as Trustee of the John and
Christy Ryan Family Trust; et al.,

Defendants - Appellees.

No. 13-55832

D.C. No. 3:13-cv-00312-JAH-
KSC

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted May 1, 2014**

Before: D.W. NELSON, LEAVY, and THOMAS, Circuit Judges.

Appellant Helen Ryan (“Helen”) appeals from the district court’s judgment dismissing her case without prejudice because a non-lawyer, Mykal Ryan

* 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).

(“Mykal”), was representing her in violation of the local rules. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

“We review the district court’s dismissal pursuant to its local rules for abuse of discretion. ‘Only in rare cases will we question the exercise of discretion in connection with the application of local rules.’” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (internal citation omitted) (per curiam).

Civil Rule 83.11 of the Local Rules of the United States District Court for the Southern District of California states:

Any person who is appearing propria persona, (without an attorney) (i.e. pro se) must appear personally for such purpose and may not delegate that duty to any other person, including husband or wife, or another party on the same side appearing without an attorney. Any person appearing propria persona is bound by these rules of court and by the Fed. R. Civ. P. or Fed. R. Crim.P., as appropriate. Failure to comply therewith may be ground for dismissal or judgment by default.

When determining what constitutes the unauthorized practice of law, we look to state law. *In re Reynoso*, 477 F.3d 1117, 1125 (9th Cir. 2007). Under California law, the practice of law “means more than just appearing in court,” and extends to providing legal advice and preparing legal documents. *Estate of Condon*, 65 Cal. App. 4th 1138, 1142 (1998).

The district court properly found that Mykal was effectively acting as Helen’s counsel by drafting her pleadings and submissions, and by contacting the

court on her behalf. Dismissing the case without prejudice was therefore appropriate.

AFFIRMED.