NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 7 2014

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

MYKAL S. RYAN, Plaintiff - Appellant, v. MARY T. MORGAN; et al., Defendants - Appellees.	No. 14-55434 D.C. No. 3:11-cv-00685-JAH-KSC MEMORANDUM*

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

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Mykal S. Ryan appeals pro se from the district court's order denying him permission to file a complaint alleging federal and state law claims for computer-related offenses, defamation, and intentional infliction of emotional distress. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the

---

* 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).

application of a vexatious litigant order. *In Re Fillbach*, 223 F.3d 1089, 1090 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion in denying Ryan permission to file his complaint because Ryan's proposed complaint was nearly identical to his previously dismissed complaints and was precisely the type of action the vexatious litigant order was designed to prevent.

We lack jurisdiction to consider Ryan's requests for injunctive and declaratory relief and monetary damages with respect to the state court civil judgments against him. *See Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003) ("Under *Rooker–Feldman*, a federal district court does not have subject matter jurisdiction to hear a direct appeal from the final judgment of a state court. The United States Supreme Court is the only federal court with jurisdiction to hear such an appeal.").

We deny Ryan's request to vacate the vexatious litigant order because, as explained in Case No. 12-57285, Ryan failed to file a timely notice of appeal of the vexatious litigant order or a timely post-judgment motion.

We reject Ryan's contentions regarding prejudice by the district court.

AFFIRMED.