

SEP 09 2015

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOWARD ROBERT HOFELICH,

Plaintiff - Appellant,

v.

BARBARA LACY; et al.,

Defendants - Appellees.

No. 14-16118

D.C. No. 1:14-cv-00037-DKW-  
RLP

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Derrick Kahala Watson, District Judge, Presiding

Submitted August 25, 2015\*\*

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Howard Hofelich appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims concerning his property seized pursuant to a state court writ of execution. We have

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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).

jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal under the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed Hofelich's action under the *Rooker-Feldman* doctrine because the action is a de facto appeal of the state court's writ of execution. *See id.* at 1163-65 (*Rooker-Feldman* bars de facto appeals of a state court decision and constitutional claims "inextricably intertwined" with the state court decision).

The district court properly denied Hofelich's motions for default judgment because it lacked subject matter jurisdiction over the action.

All pending motions are denied.

**AFFIRMED.**