

JAN 28 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THE HAWAIIAN KINGDOM, by His
Excellency Donald Anthony Lewis, Co-
Sovereign,

Plaintiff,

and

DONALD ANTHONY LEWIS, His
Excellency Donald Anthony Lewis on
behalf of The Hawaiian Kingdom,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA, 4.030
Acres plus expanded taking 97-
00571DAE,

Defendant - Appellee.

No. 13-17569

D.C. No. 1:11-cv-00657-JMS-
KSC

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, Chief Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Donald Anthony Lewis appeals pro se from the district court's order denying his motion for relief from judgment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the denial of a motion to vacate under Fed. R. Civ. P. 60(b)(4). *Export Group v. Reef Indus., Inc.*, 54 F.3d 1466, 1469 (9th Cir. 1995). We affirm.

The district court properly concluded that Lewis was not entitled to relief under Rule 60(b)(4) because the district court did not lack jurisdiction over the action or the state of Hawaii, and its prior judgments were not void. *See United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010) (a judgment may be set aside under Rule 60(b)(4) “only for the exceptional case in which the court that rendered judgment lacked even an ‘arguable basis’ for jurisdiction” (internal citation omitted)); *United States v. Lorenzo*, 995 F.2d 1448, 1456 (9th Cir. 1993) (rejecting contention that the federal district court lacks jurisdiction over Hawaiian nationals).

AFFIRMED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.