

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 22 2016

FOR THE NINTH CIRCUIT

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

PETER BARCLAY, Staff Sergeant, US Air
Force, Discharged and as Family,

No. 16-35013

Plaintiff-Appellant,

D.C. No. 6:15-cv-01920-MC

v.

MEMORANDUM*

STATE OF OREGON; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Peter Barclay appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims arising from an unfavorable judgment by the Oregon state court in a prior family law action.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

We have jurisdiction under 28 U.S.C. § 1291. We review de novo both the dismissal of an action under 28 U.S.C. § 1915(e), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998), and under the *Rooker-Feldman* doctrine, *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed Barclay’s action for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine because it amounted to a forbidden “de facto appeal” of a state court judgment and raised claims that were “inextricably intertwined” with that state court judgment. *See Noel*, 341 F.3d at 1163-65. We reject as without merit Barclay’s contentions regarding the applicability of exceptions to the *Rooker-Feldman* doctrine.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.