

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2017

FOR THE NINTH CIRCUIT

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

LARRY J. HUDACK; MARIANNE S.  
HUDACK,

Plaintiffs-Appellants,

v.

DALLAS SCOTT HOLMES, Judge  
Riverside Superior Court, in his official  
capacity,

Defendant-Appellee.

No. 16-56148

D.C. No. 5:16-cv-00634-PSG-KK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Philip S. Gutierrez, District Judge, Presiding

Submitted May 24, 2017\*\*

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,  
Circuit Judges.

Larry J. Hudack and Marianne S. Hudack appeal pro se from the district  
court's judgment dismissing their 42 U.S.C. § 1983 action alleging constitutional

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\* 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).

claims arising from state court proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a jurisdictional dismissal under the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed the Hudacks' action as barred by the *Rooker-Feldman* doctrine because the Hudacks' action is a "de facto appeal" of a prior state court judgment, in which they raise issues that are "inextricably intertwined" with that judgment. *See Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 858-60 (9th Cir. 2008) (discussing *Rooker-Feldman* doctrine); *Henrichs v. Valley View Dev.*, 474 F.3d 609, 616 (9th Cir. 2007) (*Rooker-Feldman* doctrine barred plaintiff's claim because the relief sought "would require the district court to determine the state court's decision was wrong and thus void").

The district court did not abuse its discretion in dismissing the Hudacks' action without leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that a district court can dismiss without leave to amend where amendment would be futile).

The Hudacks' motion to strike portions of Judge Holmes' answering brief (Docket Entry No. 17) and motion for sanctions (Docket Entry No. 27) are denied.

**AFFIRMED.**