

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 24 2021

FOR THE NINTH CIRCUIT

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

ARTHUR LOPEZ,

Plaintiff-Appellant,

v.

MANUEL A. RAMIREZ, Presiding Judge;
CALIFORNIA COURT OF APPEALS 4TH
DISTRICT DIVISION TWO,

Defendants-Appellees.

No. 20-55224

D.C. No. 5:18-cv-01835-VBF-
MRW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Valerie Baker Fairbank, District Judge, Presiding

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE, and BADE, Circuit Judges.

Arthur Lopez appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that a California court rule violated his due process rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo

* 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).

a dismissal under Fed. R. Civ. P. 12(b)(6). *Jachetta v. United States*, 653 F.3d 898, 903 (9th Cir. 2011). We affirm.

The district court properly dismissed Lopez's action because defendants are entitled to immunity, and to the extent Lopez seeks injunctive relief, his action is barred by the *Younger* abstention doctrine. *See Simmons v. Sacramento Cty. Superior Court*, 318 F.3d 1156, 1161 (9th Cir. 2003) (state courts, as an arm of state government, have Eleventh Amendment immunity); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc) (judges are absolutely immune from damage liability for acts performed in their official capacities); *see also Younger v. Harris*, 401 U.S. 37, 43 (1971) (recognizing the longstanding public policy against federal court interference with state court proceedings).

The district court did not abuse its discretion in denying leave to amend because amendment would have been futile. *See Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010) (setting forth standard of review and grounds for dismissing without leave to amend).

Lopez's motion for extension of time to file a supplemental reply brief (Docket Entry No. 26) is denied.

AFFIRMED.