

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 29 2021

FOR THE NINTH CIRCUIT

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

AUDREY L. KIMNER,

No. 21-15487

Plaintiff-Appellant,

D.C. No. 5:20-cv-07563-EJD

v.

MEMORANDUM*

BERKELEY COUNTY, SC,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
Edward J. Davila, District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Audrey L. Kimner appeals pro se from the district court's judgment dismissing her action alleging federal and state law claims arising from South Carolina state court proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of personal jurisdiction. *CollegeSource*,

* 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). Kimner's request for a hearing, set forth in her filing at Docket Entry No. 9, is denied.

Inc. v. AcademyOne, Inc., 653 F.3d 1066, 1073 (9th Cir. 2011). We affirm.

The district court properly dismissed Kimner’s action because Kimner failed to allege facts sufficient to make a prima facie showing that the district court had personal jurisdiction over defendant Berkeley County. *See id.* at 1074, 1076-77 (discussing requirements for general and specific personal jurisdiction); *see also Walden v. Fiore*, 571 U.S. 277, 291 (2014) (“[I]t is the defendant, not the plaintiff or third parties, who must create contacts with the forum State.”).

The district court did not abuse its discretion by denying Kimner’s motion for recusal because Kimner failed to demonstrate extrajudicial bias or prejudice. *See United States v. Johnson*, 610 F.3d 1138, 1147 (9th Cir. 2010) (setting forth standard of review and objective test to determine whether recusal is required).

We reject as unsupported by the record Kimner’s contentions that the district court was biased against her, engaged in unlawful or unethical behavior, or erred by failing to hold a hearing.

All pending motions and requests are denied.

AFFIRMED.