

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2021

FOR THE NINTH CIRCUIT

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

REJEANNE BERNIER; HANS S.
CROTEAU, as individuals, and as members
of a similarly situated class,

Plaintiffs-Appellants,

v.

RICARDO LARA, in his capacity as
California Insurance Commissioner; et al.,

Defendants-Appellees.

No. 20-55160

D.C. No. 3:20-cv-00046-MMA-
BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Submitted June 21, 2021**

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

Rejeanne Bernier and Hans S. Croteau appeal pro se from the district court's order dismissing their action for failure to comply with a vexatious litigant pre-filing order. We have jurisdiction under 28 U.S.C. § 1291. We review for an

* 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).

abuse of discretion. *In re Fillbach*, 223 F.3d 1089, 1090-91 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion by dismissing plaintiffs' action because the complaint was within the scope of the pre-filing order and plaintiffs failed to comply with the pre-filing requirements. *See Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999) ("District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation. . . . Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain requirements, such as obtaining leave of the court or filing declarations that support the merits of the case.").

To the extent that plaintiffs seek to challenge the underlying pre-filing order, we do not consider their contentions because such a challenge is outside the scope of this appeal.

Plaintiffs' motion to take judicial notice, and request set forth in the opening brief for reassignment to a different district court judge on remand, are denied.

AFFIRMED.