

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 31 2022

FOR THE NINTH CIRCUIT

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

SAMUEL R. SPENCER,

No. 21-15192

Plaintiff-Appellant,

D.C. No. 2:20-cv-01266-TLN-AC

v.

MEMORANDUM*

ROBERT SINCLAIR; WILLIAM STEVEN
SHUMWAY; JOHN M. SINCLAIR;
RANDALL R. WILSON; RUSSELL P.
BALDO; SINCLAIR WILSON BALDO
AND CHAMBERLAIN, The Law Firm;
MICHAEL A. JACQUES; LAWRENCE E.
SKIDMORE; TAMI HINDS; BRIAN
WARREN; PATRICIA WARREN,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Samuel R. Spencer appeals pro se from the district court's judgment

* 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).

dismissing his action for declaratory relief challenging two California state court judgments. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction on the basis of the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed Spencer's action because it is a "forbidden de facto appeal" of two state court judgments that were unfavorable to Spencer, and because Spencer did not allege facts sufficient to show how any alleged extrinsic fraud affected the state court judgments. *See Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139-40 (9th Cir. 2004) (discussing the *Rooker-Feldman* doctrine and the extrinsic fraud exception).

AFFIRMED.