NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARCHIE J. MCCOY, Plaintiff-Appellant, v. BODE AMILALE UALE, Defendant-Appellee.	No. 21-16877 D.C. No. 1:21-cv-00361-WRP MEMORANDUM[*]

Appeal from the United States District Court
for the District of Hawaii
Wes R. Porter, Magistrate Judge, Presiding

Submitted October 14, 2022[**]
Honolulu, Hawaii

Before: SCHROEDER, RAWLINSON, and BRESS, Circuit Judges.

Archie McCoy appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint against Bode Uale, who at all relevant times was a judge on the First Circuit Family Court of Hawaii. We have jurisdiction under 28 U.S.C. § 1291. We review the grant of a motion to dismiss de novo. *Nguyen v. Endologix, Inc.*, 962

[*] 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).

F.3d 405, 413 (9th Cir. 2020). We affirm.

1. Under the *Rooker-Feldman* doctrine, *see Rooker v. Fidelity Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 486 (1983), federal courts lack jurisdiction to hear "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). The *Rooker-Feldman* doctrine applies when a plaintiff seeks the "de facto appeal" of a state court judgment by "assert[ing] as a legal wrong an allegedly erroneous decision by a state court, and seek[ing] relief from a state court judgment based on that decision." *Noel v. Hall*, 341 F.3d 1148, 1163–64 (9th Cir. 2003). We relatedly lack jurisdiction to hear claims that are "inextricably intertwined" with an attempted appeal of a state court judgment. *Cooper v. Ramos*, 704 F.3d 772, 778–79 (9th Cir. 2012).

McCoy's complaint against Judge Uale explicitly asked the district court to void the state court's judgment, vacate its order terminating McCoy's parental rights, and order the state court to allow McCoy to intervene. This requested relief was plainly an attempt to invalidate the state court's judgment. Although McCoy on appeal has pared back his claims and now seeks only damages, he has not demonstrated how these claims—brought against a state court judge for decisions

the judge made in litigation—are anything other than an improper de facto appeal of the state court's judgment. Since McCoy alleges injuries from the state court's decision, *Rooker-Feldman* bars his claims.

2. To the extent the *Rooker-Feldman* doctrine does not fully bar McCoy's claims, dismissal was still proper because Judge Uale is entitled to absolute judicial immunity. "A long line of [Supreme Court] precedents acknowledges that, generally, a judge is immune from a suit for money damages." *Mireles v. Waco*, 502 U.S. 9, 9 (1991). There are two limited categories of actions to which judicial immunity does not apply. "First, a judge is not immune from liability for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." *Acres Bonusing, Inc v. Marston*, 17 F.4th 901, 915 (9th Cir. 2021) (quoting *Mireles*, 502 U.S. at 11–12). Nevertheless, a judge is not subject to liability simply "because the action he took was in error, was done maliciously, or was in excess of his authority." *Stump v. Sparkman*, 435 U.S. 349, 356 (1978). In this case, all of Judge Uale's relevant conduct was judicial in nature and therefore covered by his judicial immunity. *See Lund v. Cowan*, 5 F.4th 964, 971 (9th Cir. 2021) (citing factors for determining whether an act is judicial in nature). McCoy has not alleged facts suggesting otherwise.

3. The district court did not err in denying McCoy leave to amend because it

was "absolutely clear that the deficiencies of [his] complaint could not be cured by amendment." *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007) (quoting *Schucker v. Rockwood*, 846 F.2d 1202, 1203–04 (9th Cir. 1988)). McCoy's claims are based solely on his objection to the adverse state court decision and the conduct of the judge who issued it. These claims are precluded by *Rooker-Feldman* and Judge Uale's absolute judicial immunity. McCoy has not identified any further factual allegations that would alter this determination.

AFFIRMED.