

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2023

FOR THE NINTH CIRCUIT

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

PETER BARCLAY,

No. 22-35310

Plaintiff-Appellant,

D.C. No. 6:22-cv-00308-MC

v.

MEMORANDUM*

DANIEL R. MURPHY; GLEN D.
BAISINGER; LINN COUNTY, Oregon;
DISCOVER BANK,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Peter Barclay appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims arising out of divorce proceedings.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v.*

* 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).

Carter, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003) (dismissal under the *Rooker-Feldman* doctrine). We affirm.

The district court properly dismissed Barclay’s action for lack of subject matter jurisdiction because the action constitutes a forbidden “de facto appeal” of prior state court judgments and raises claims that are “inextricably intertwined” with those judgments, and because Barclay did not allege facts sufficient to show that any alleged fraud on the court affected the state court judgments. *Noel*, 341 F.3d at 1163-65 (discussing proper application of the *Rooker-Feldman* doctrine); *see also Cooper v. Ramos*, 704 F.3d 772, 782 (9th Cir. 2012) (explaining that claims are “inextricably intertwined” with state court decisions where federal adjudication “would impermissibly undercut the state ruling on the same issues” (citation and internal quotation marks omitted)); *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140-41 (9th Cir. 2004) (discussing the extrinsic fraud exception to the *Rooker-Feldman* doctrine).

The district court did not abuse its discretion in denying Barclay’s motion for reconsideration because Barclay failed to establish any basis for such relief. *See Sch. Dist. No. 1J, Multnomah County, Or.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Fed. R. Civ. P. 59 and 60).

Barclay's motion to file a supplemental brief (Docket Entry No. 10) is granted. The Clerk will file the amended opening brief received at Docket Entry No. 9.

AFFIRMED.