

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 17 2023

FOR THE NINTH CIRCUIT

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

ALI SHAHROKHI, on behalf of B. E. S.,

No. 22-15978

Plaintiff-Appellant,

D.C. No. 2:22-cv-00001-JAD-VCF

v.

MEMORANDUM*

DAWN THRONE; ELIZABETH
SCHEINMAN; AZUCENA ZAVALA,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted October 10, 2023**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

Ali Shahrokhi appeals from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional claims related to a family court proceeding, and entry of a vexatious litigant and pre-filing order. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal based on

* 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).

absolute judicial or quasi-judicial immunity. *Moore v. Brewster*, 96 F.3d 1240, 1243 (9th Cir. 1996), *superseded by statute on other grounds*. We review for an abuse of discretion an imposition of a vexatious litigant order. *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1062 (9th Cir. 2014). We affirm.

The district court properly dismissed Shahrokhi's action because defendants are entitled to absolute judicial and quasi-judicial immunity. *See Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc) (judges are entitled to absolute judicial immunity for acts performed in their official capacity); *Moore*, 96 F.3d at 1244 (court employees performing quasi-judicial functions are entitled to absolute immunity).

The district court did not abuse its discretion in declaring Shahrokhi to be a vexatious litigant and entering a pre-filing review order against him after providing notice and an opportunity to be heard, developing an adequate record for review, making substantive findings as to the frivolous or harassing nature of Shahrokhi's conduct, and narrowly tailoring the order to prevent abusive litigation. *See Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056-58 (9th Cir. 2007) (setting forth the procedural and substantive standards for imposing a pre-filing restriction on a vexatious litigant). Contrary to Shahrokhi's contention, the district court had jurisdiction to enter the pre-filing order. *See Ringgold-Lockhart*, 761 F.3d at 1062 n.2 (filing of notice of appeal does not divest district court of jurisdiction to enter a

vexatious litigant order).

Shahrokhi's motion for judicial notice (Docket Entry No. 25) is granted.

All other pending motions and requests are denied.

AFFIRMED.