

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2024

FOR THE NINTH CIRCUIT

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

ASTARTE DAVIS, Representing herself,
Real Party In Interest, Successor in Interest,
Successor Trustee, and legal representative
of her husband Loyal Davis,

Plaintiff - Appellant,

v.

JOAN MAHER; BETTY DAVIS; LOYAL
D. DAVIS; STEPHEN
KAUFMANN; MARIN COUNTY
SUPERIOR COURT; COURT TRUSTEE
FOR DAVIS ESTATE ASSETS,

Defendants - Appellees.

No. 24-155

D.C. No. 3:23-cv-04147-TLT

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Trina L. Thompson, District Judge, Presiding

Submitted December 17, 2024**

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

* 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).

Astarte Davis appeals pro se from the district court's judgment dismissing her action alleging various claims arising from a state court proceeding. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly dismissed Davis's action for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine because Davis's claims are a "de facto appeal" of a prior state court judgment or are "inextricably intertwined" with that judgment. *See id.* at 1163-65 (discussing proper application of the *Rooker-Feldman* doctrine); *see also Cooper v. Ramos*, 704 F.3d 772, 779 (9th Cir. 2012) (claims are "inextricably intertwined" for purposes of the *Rooker-Feldman* doctrine where "the relief requested in the federal action would effectively reverse the state court decision or void its ruling" (citation and internal quotation marks omitted)). Contrary to Davis's contention, the extrinsic fraud exception to the *Rooker-Feldman* doctrine is inapplicable because Davis was not prevented from presenting her claim in state court. *See Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004) (discussing the extrinsic fraud exception to the *Rooker-Feldman* doctrine).

The district court did not abuse its discretion by declining to consider Davis's motion for default judgment because the clerk never entered a default. *See*

Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (setting forth standard of review and factors to consider before entering default judgment).

All pending motions are denied.

AFFIRMED.