

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2026

FOR THE NINTH CIRCUIT

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

HOWARD HERSHIPS,

Plaintiff - Appellant,

v.

CALIFORNIA SUPERIOR COURT;
SANTA CLARA COUNTY OFFICE OF
THE DISTRICT ATTORNEY; COUNTY
OF SANTA CLARA; SANTA CLARA
OFFICE OF THE PUBLIC DEFENDER,

Defendants - Appellees,

and

Sheriff LAURIE SMITH, Sheriff of Santa
Clara County; Judge DREW C.
TAKAICHI, Santa Clara County Superior
Court; KYLE NEDDENRIEP, Santa Clara
County Office of the Public Defender;
COOLEY, LLP; PRISON LAW OFFICE;
SANTA CLARA COUNTY SUPERIOR
COURT; KARIC LOPEZ,

Defendants.

No. 25-3502

D.C. No. 3:20-cv-07208-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

James Donato, District Judge, Presiding

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

Howard Hershrips appeals pro se from the district court’s summary judgment and dismissal order in his action under Title II of the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973, and 42 U.S.C. § 1983 arising out of state court proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011) (cross motions for summary judgment); *Rhoades v. Avon Prods., Inc.*, 504 F.3d 1151, 1156 (9th Cir. 2007) (dismissal under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)). We affirm.

The district court properly granted summary judgment for Santa Clara County Superior Court on Hershrips’s ADA and Rehabilitation Act claims because Hershrips failed to raise a genuine dispute of material fact as to whether the Superior Court discriminated against Hershrips because of his hearing impairment. *See Updike v. Multnomah County*, 870 F.3d 939, 949-51 (9th Cir. 2017) (setting forth elements of discrimination claims under the ADA and Rehabilitation Act).

The district court properly dismissed Hershrips’s other ADA and § 1983

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

claims against Santa Clara County Superior Court because they were barred by the *Rooker-Feldman* doctrine or Eleventh Amendment immunity, or Herships otherwise failed to allege facts sufficient to state a plausible claim. *See T.B. ex rel. Brenneise v. San Diego Unified Sch. Dist.*, 806 F.3d 451, 473 (9th Cir. 2015) (explaining that to establish a prima facie case of retaliation under the ADA, the plaintiff must show a causal link between protected activity and an adverse action); *Munoz v. Superior Ct. of Los Angeles County*, 91 F.4th 977, 980-81 (9th Cir. 2024) (holding that state courts are protected by Eleventh Amendment immunity); *Noel v. Hall*, 341 F.3d 1148, 1163-65 (9th Cir. 2003) (discussing proper application of the *Rooker-Feldman* doctrine, and explaining that “[i]f a federal plaintiff asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a state court judgment based on that decision, *Rooker-Feldman* bars subject matter jurisdiction in federal district court”).

All pending motions are denied.

AFFIRMED.