

INDEX TO APPENDIX

Sequential No.
In Document

Appendix numbers at top of page

Appendix A: Nov. 8, 2018 “final” decision by the
Ninth Circuit which denied Kinney’s right to
proceed with his appeal by dismissing it 1

Appendix B: Feb. 26, 2018 order by US District
Court Judge Vince Chhabria dismissing Kinney’s
complaint with 11 U.S.C. Sec. 524 claims 3

Appendix C: March 30, 2018 order by US District
Court Judge Vince Chhabria denying Kinney’s
motion to vacate the dismissal order 5

APPENDIX A

Case: 18-15805 11/08/2018 DktEntry: 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHARLES G. KINNEY
Plaintiff-Appellant,

v. No. 18-15805
D.C. No. 3:17-cv-07366-VC
Northern Dist. of Cal., SF

FRANCES ROTHSCHILD; VICTORIA
CHENEY; JEFFREY JOHNSON,
Defendants-Appellees.

**FILED
NOV 8 2018
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

ORDER

Before: SILVERMAN, NGUYEN, and OWENS,
Circuit Judges.

This court has reviewed the notice of appeal filed April 25, 2018 in the above-referenced district court docket pursuant to the pre-filing review order entered in docket No. 17-80256. Because the appeal is so insubstantial as to not warrant further review, it shall not be permitted to proceed. *See In re Thomas*, 508 F.3d 1225 (9th

Cir. 2007). Appeal No. 18-15805 is therefore dismissed.

This order, served on the district court for the Northern District of California, shall constitute the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions regarding this order shall be filed or entertained.

DISMISSED.

APPENDIX B

Case: 17-cv-07366 02/26/2018 DktEntry: 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIF.

CHARLES G. KINNEY

Plaintiff,

D.C. No. 3:17-cv-07366-VC

v.

Northern Dist. of Cal., SF

FRANCES ROTHSCHILD; VICTORIA

CHENEY; JEFFREY JOHNSON,

Defendants.

**ORDER DENYING MOTION FOR
PERMISSION TO FILE ELECTRONICALLY;
DISMISSING CASE SUA SPONTE**

Re: Dkt. No. 5

Kinney's complaint against three California Court of Appeal justices is a *de facto* appeal of a November 30, 2017 state court sanctions order, and any additional issues raised are inextricably intertwined with the state court's decision. See *Noel v. Hall*, 341 F.3d 1148, 1158, 1163 (9th Cir. 2003). This Court is therefore without subject matter jurisdiction under the *Rooker-Feldman* doctrine. See *Cooper v. Ramos*, 704 F.3d 772, 777 (9th Cir. 2012); *Noel*, 341 F.3d at 1164; cf. *Kinney v. Takeuchi*, 708 F. App'x 414, 415 (9th Cir. 2017); *Kinney v. Boren*, 708 F. App'x 410, 411 (9th Cir. 2017); *Kinney v. Gutierrez*, 709 F. App'x 453, 454 (9th Cir. 2017). Because it is apparent that no

amendment could cure these defects, this action is dismissed *sua sponte* without leave to amend, and Kinney's motion for permission to file electronically is denied as moot. See *Franklin v. Oregon, State Welfare Division*, 662 F.2d 1337, 1342 (9th Cir. 1981); *Harmon v. Superior Court*, 307 F.2d 796, 797 (9th Cir. 1962).

IT IS SO ORDERED.

Dated: February 26, 2018

VINCE CHHABRIA
United States District Judge

APPENDIX C

Case: 17-cv-07366 03/30/2018 DktEntry: 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIF.

CHARLES G. KINNEY

Plaintiff,

D.C. No. 3:17-cv-07366-VC

v. Northern Dist. of Cal., SF

FRANCES ROTHSCHILD; VICTORIA
CHENEY; JEFFREY JOHNSON,
Defendants.

**ORDER DENYING MOTION TO VACATE,
RECONSIDER, ALTER, OR AMEND**

Re: Dkt. No. 8, 12

Kinney's motion to vacate, reconsider, alter, or amend the judgment is denied. He has not shown that his de facto appeal of the state court's sanctions order is exempt from the *Rooker-Feldman* doctrine.

Kinney's request for judicial notice is denied as moot.

IT IS SO ORDERED.

Dated: March 30, 2018

s/
VINCE CHHABRIA
United States District Judge