APPENDIX A

TRIAL COURT: ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT (7/3/18)

Case 4:18-cv-00293-KAW Document 87 Filed 07/03/18 Page 1 of 10

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER HADSELL, Plaintiff

v.

BARRY BASKIN, ET AL., DEFENDANTS.

Case No. 4:18-cv-00293-KAW

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

Re: Dkt. Nos. 51-56, 58

Between April 19, 2018 and April 24, 2018, the defendants filed six separate motions to dismiss Plaintiff['s, Christopher Hadsell,] first amended complaint. (Dkt. Nos. 51-56 & 58.)

Upon review of the moving papers, the Court finds this matter suitable for resolution without oral argument

pursuant to Civil Local Rule 7-1(b), and, for the reasons set forth below, GRANTS the motions to dismiss without leave to amend, because any amendment would be futile.

I. BACKGROUND

Plaintiff[,] Christopher Hadsell[,] filed this lawsuit against Defendants Barry Baskin, Christopher Bowen, Kimberly Campbell, Tani Cantil-Sakauye, Contra Costa County [Department of Child Support Services], Garrett Dailey, Barbara Hinton, Garry Ichikawa, Catherine Isham, Barbara Jones, Mary Lindelof, Terri Mockler, Kathleen Murphy, Henry Needham, Jr., Anita Santos, Melinda Self, Mark Simons, G. Boyd Tarin, Charles Treat, Tracey Wapnick, Edward Weil, and William Whiting alleging various civil rights violations arising from his state[-]court divorce proceedings. (*See* First Am. Compl., "FAC," Dkt. No. 45 ¶¶ 1-2.) Essentially, Plaintiff alleges that the judges, court staff, County employees, his ex-wife and her attorneys were conspiring to defraud him and violate his civil rights. *Id.*

The 22 defendants can be divided into four categories. [1] Plaintiff is suing his ex-wife, Catherine Isham. (FAC ¶ 6(I).) [2] Kimberly Campbell, Garrett Dailey, Tracey Wapnick, and William Whiting are [some of the] attorneys who represented Ms. Isham during the divorce proceedings.[1] ([inter alia], FAC ¶¶ 6(C, F, [T,] V), 20, 39(D) n. 9.)

[3] Mary Lindelof, Melinda Self, and G. Boyd Tarin participated in the state[-]court proceedings in the scope of their employment with the Contra Costa County Department of Child Support Services ("DCSS"), so they,

along with Contra Costa County [sic], are named as defendants (hereinafter referred to as the "County Defendants"). (FAC ¶¶ 6(E, K, P, R).)

[4] Barry Baskin, Christopher Bowen, Tani Cantil-Sakauye, Barbara Hinton, Garry Ichikawa, Barbara Jones, Terri Mockler, Kathleen Murphy, Henry Needham, Jr, Anita Santos, Mark Simons, Charles Treat, and Edward Weil are judicial officers serving on the bench of the Superior Court of California, the California Court of Appeal, or the California Supreme Court (hereinafter referred to as the "Judicial Defendants"). (FAC ¶¶ 6 (A, B, D, G, H, J, L-O, Q, S, and U).)

In summary, Plaintiff filed his petition for dissolution of marriage on February 8, 2011. (FAC ¶ 13.) The case was initially assigned to Judge Fannin. (FAC ¶ 14.) Ms. Isham also filed a petition for the dissolution of marriage, and the two cases were consolidated. (FAC ¶¶ 16, 18.) Ms. Isham filed a motion to requesting [sic] that Judge Fannin recuse herself, because her attorney, Mr. Whiting, had a conflict. (FAC ¶ 20.) Judge Fannin recused herself. (FAC ¶ 22.)

The case was reassigned to Judge Treat, and, on September 20, 2011, the court issued a temporary family support order. (FAC ¶¶ 32-34.) On December 6, 2011, the court held a one-day trial on the income imputation issue, and ruled that no income could be imputed to Hadsell, and that no change was to be made to the September 20, 2011 support order. (FAC ¶¶ 39 (A), (K).) Plaintiff contends that any modifications to the December 6, 2011 order are void, because no circumstance that allows for a modification has occurred and the time for appeal has expired. (FAC ¶ 41.)

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[1] For the sake of simplicity, all references to Ms. Isham also concern the actions of her attorneys, as Plaintiff's allegations against Ms. Isham's counsel are based purely on their professional conduct in the course of their legal representation, which is privileged.

Thereafter, Judge Treat calendared a retrial of the income imputation issue, which occurred on October 24, 2012. (FAC ¶ 44.) Plaintiff alleges that Mr. Whiting defrauded the court by presenting exhibits and testimony regarding filled positions, which Plaintiff contends do not qualify as job opportunities for the purposes of income imputation. (FAC ¶ 47(B)(ii)(1).) On July 3, 2013, Judge Treat entered an order that increased Plaintiff's monthly family support payments from $766.00 to $7,375.00. (FAC ¶ 48(A)(i-ii).) Plaintiff contends that in the July 3, 2013 judgment, Judge Treat: (1) failed to make findings in the best interest of the children and minimize the disparities between the households; (2) improperly awarded Isham funds from Plaintiff's 401(k) account; (3) improperly construed "undisputed community property" as Isham's separate property; (4) improperly sanctioned Plaintiff. (FAC ¶¶ 48, 63, 68, 81-82, 87[-]88.) Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶[¶] 49[, 58, 72, 83, 89].) The first, second, third, fourth, and fifth causes of action allege that the July 3, 2013 order violates the U.S. Constitution, as well as applicable federal and state laws.

Plaintiff appealed the July 3, 2013 judgment to the Court of Appeal for the State of California, First Appellate District. (FAC ¶¶ 93-9[6].) On March 13, 2015, the Court of Appeal panel—Justices Jones, Needham, and Simons—issued its ruling, affirming the July 3, 2013 judgment in all [sic] relevant aspects. (*See* FAC ¶ 94(D) [sic].) Plaintiff then filed a petition for review with the Supreme Court for the State of California, which denied the petition. (FAC ¶ 95(D)(ii).) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 97.)] The sixth cause of action is against the court of appeal for its failure to provide a "meaningful review" of the July 3, 2013 judgment in violation of California law, which Plaintiff alleges is also a violation of the U.S. Constitution.

On July 9, 2013, Ms. Isham filed a writ of execution, attempting to collect[, inter alia,] arrearages from the income imputed to Plaintiff in accordance with the July 3, 2013 judgment. (FAC ¶ 10[7.A.i.].) On July 15, 2013, Plaintiff filed a claim of exemption, and on July 25, 2013, Ms. Isham filed an opposition to Plaintiff s claim. (FAC ¶¶ 10[4,]106.) The matter was set for hearing on August 16, 2013. (FAC ¶ 108.) Isham filed a supplemental brief the night before the hearing and asked for a continuance. (FAC ¶¶ 108(E), (N).) The hearing was continued, and Judge Hinton awarded funds

to Ms. Isham as a result of the writ of execution as part

of a judgment [made] on October 15, 2013 [and entered on December 11, 2014.]. (FAC ¶¶ 108(O), 108(U)(ii).) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 111.)] The seventh cause of action seeks to bar Ms. Isham from any efforts to enforce the July 3, 2013 judgment on the grounds that the judgment is invalid. (FAC ¶¶ 100-113.)

Following Ms. Isham's efforts to enforce the July 3, 2013 judgment, Plaintiff alleges that the Contra Costa County Department of Child Support Services ("DCSS"): (1) garnished or levied his financial accounts to collect [inter alia] the unpaid amounts of the court-ordered family support payments, (2) reported to credit bureaus that plaintiff did not make the court-ordered family support payments, (3) informed the California DMV that Plaintiff did not make the court-ordered family support payments, and (4) informed the California State Bar that Plaintiff did not make the court-ordered family support payments. (FAC ¶¶ 1[30], 1[52].) On December 12, 2013, the State Bar of California issued a notice to Plaintiff, wherein he was advised that DCSS identified him as "a person who is in arrears in court ordered child or family support obligations." (FAC, Ex. 1.)

Plaintiff further alleges that the individually-named DCSS employees— Lindelof, Self and Tarin — "acted in concert . . . in implementing DCSS' . . . collections efforts" with respect to the court-ordered judgment requiring Plaintiff to make family support payments. (FAC ¶[¶] 162[.B, 162.E, and 162.F.) Specifically, Plaintiff alleges that Lindelof stated in open court on January 8, 2014 that DCSS was going to collect the court-ordered family support payments from Plaintiff, contacted Charles Schwab in 2014 to request that Plaintiff's funds be

released to satisfy the family support judgment, and opposed Plaintiff's request that his California driver's license be renewed. (FAC ¶¶ 121, 160.) Regarding Self, the Plaintiff alleges that she directly supervised Lindelof and Tarin, and that she "acted in concert with . . . Lindelof . . . [and] Tarin." (FAC ¶[¶] 153[, 162.A].) Regarding Tarin, Plaintiff alleges that he "acted in concert with . . . Lindelof . . . [and] Self." (FAC ¶ 162(F).) On January 8, 2014, Plaintiff alleges a hearing took place before then-Commissioner Santos, which appears to be related to collection efforts by the DCSS. (FAC ¶ 121(A).) Plaintiff references a rehearing on the same issues before Judge Mockler on July 25, 2016. (FAC ¶ 124.) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶¶ 111, 131, and 161.)] The eighth and tenth causes of action allege that DCSS' attempts to garnish and levy his accounts are constitutional violations because the underlying judgment is invalid.

On February 18, 2014, Plaintiff filed a motion to dismiss "Case 775." (FAC ¶ 142.) Following a hearing on July 21, 2014, Judge Hinton denied the motion. (FAC ¶¶ 144(A)-(G).) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 145.)] The ninth cause of action is premised on Judge Hinton's refusal to dismiss Case 775.

The eleventh cause of action alleges that Ms. Isham's motion to change custody violates the law. [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 174.)] On December 4, 2015, Ms. Isham filed an Ex Parte Application for an Order Shortening Time/Temporary Emergency Court Order to [change the permanent custody orders in] the July 3, 2013 judgment. (FAC ¶ 165.) Plaintiff filed a motion objecting to Judge Weil for cause on December 17, 2015. (FAC ¶ 166.) Judge Weil issued temporary child custody orders based upon Ms. Isham's ex parte application. (FAC ¶¶ 169(A)-(F).) At a hearing on December 21, 2015, Judge Weil attempted to locate another judge to conduct the hearing. (FAC ¶ 170(A)(v)(4).) Judge Weil left the courtroom, and the clerk informed the parties that the hearing would take place at 1:30 p.m. before Judge Baskin. (FAC ¶¶ 170(A)(vi)-(vii).) Plaintiff was unable to attend the afternoon hearing. (FAC ¶ 171(A).) Judge Baskin issued the temporary child custody orders. (*See* FAC ¶ 171(C)(i[i]).[)] Plaintiff contends that Ms. Isham abandoned her December 4, 2015 Emergency Custody Order when she filed a new Temporary Emergency Order on February 3, 2016. (FAC ¶¶ 173(A),(B).) The matter was for set for hearing before Judge Mockler on February 17, 2016. (FAC ¶ 173(C).) Plaintiff contends that the motion was continued several times to July 25, 2016. (FAC ¶ 173(L)(i).)

Plaintiff filed a motion objecting to Judge Mockler on February 8, 2016. (FAC ¶ 178.) On April 22, 2016, Judge Ichikawa, a judge for the Superior Court of California, County of Solano, denied Plaintiff s challenge to Judge Mockler. (*See* FAC ¶ 179.)

On April 28, 2016, Judge Mockler presided over a

hearing, which led to a judgment dated June 13, 2016. (FAC ¶¶ 182 (A)-(B).) At the April 28, 2016 hearing, Judge Mocker ruled that Plaintiff was a vexatious litigant who was required to post a bond prior to filing motions, denied Plaintiff's motion for summary judgment, and denied Plaintiff's motion to set aside and vacate the March 2, 2016 judgment. *See ids.* [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 184.)] The twelfth cause of action challenges the validity of the June 13, 2016 judgment.

On July 1, 2016, Judge Mockler held a hearing on three matters: (1) Plaintiff's Motion for Simplified Modification of Order for Child and Spousal Support; (2) Plaintiff's Notice of

Objections (Family Code § 4251); and (3) Plaintiff's Request for Order to void three findings and orders filed February 5, 2016, February 29, 2016, and February 22, 2016. (FAC ¶¶188(A)-(B).) The hearing resulted in a September 20, 2016 judgment. (FAC ¶ 191(B).) Plaintiff also alleges that Judge Mockler entered a judgment (or other order) on September 8, 2016, the underlying facts of which are impossible to discern from the face of the complaint. (FAC ¶¶ 201-212.) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 198, 210.)] The thirteenth and fourteenth causes of

action challenge the validity of the September 8, 2016 and September 20, 2016 judgments.

The fifteenth cause of action is against the court of appeal and Chief Justice Cantil- Sakauye for failing to provide a "meaningful review" of the judgments entered on June 13, 2016, September 8, 2016, and September 20, 2016, including the finding that he was a vexatious litigant. (FAC ¶¶ 214, 216-18.) [Plaintiff further contends that he was treated differently than similarly situated people because he has been unable to find cases in which persons in his situation were treated as he was. (*See* FAC ¶ 219.)] Plaintiff filed appeals of the three judgments. (FAC ¶ 214.) Counsel for Ms. Isham filed motions to dismiss on November 23, 2016, after which the Court of Appeal dismissed the appeal on January 26, 2017. (FAC ¶¶ 215, 217(D).) Ultimately, Plaintiff petitioned for review with the California Supreme Court, which was also denied. (FAC ¶¶ 218(D)-(E).)

On January 12, 2018, Plaintiff filed this lawsuit. In response to the motions to dismiss the original complaint, Plaintiff filed the first amended complaint on April 6, 2018, and the undersigned terminated the pending motions. The first amended complaint, including exhibits, consists of 338 pages and alleges fifteen causes of action against the various defendants.

On April 19, 2018, the County Defendants[, Category 3,] filed a motion to dismiss. (County Defs.' Mot., Dkt. No. 51.) On April 26, 2018, Plaintiff filed an opposition. (Pl.'s County Defs. Opp'n, Dkt. No. 60.) On May 10, 2018, the County Defendants filed a reply. (County Defs.' Reply, Dkt. No. 71.)

On April 20, 2018, the Judicial Defendants[, Category 4,] filed a motion to dismiss. (Judicial Defs.' Mot., Dkt. No[s]. [52,] 53) On April 30, 2018, Plaintiff filed an opposition. (Pl.'s Judicial Defs. Opp'n, Dkt. No.

6[1].) On May 8, 2018, the Judicial Defendants filed a reply. (Judicial Defs.' Reply, Dkt. No. 68.)

On April 20, 2018, Tracey Wapnick[, part of Category 2,] filed a motion to dismiss. (Wapnick Mot., Dkt. No. 54.) On May 2, 2018, Plaintiff filed an opposition. (Pl.'s Wapnick Opp'n, Dkt. No. 62.) On May

9, 2018, Ms. Wapnick filed a reply. (Wapnick Reply, Dkt. No. 7[0].)

On April 20, 2018, Kimberly Campbell and William Whiting[, part of Category 2,] filed a motion to dismiss. (C&W Mot., Dkt. No. 55.) On May 3, 2018, Plaintiff filed an opposition. (Pl.'s C&W Opp'n, Dkt. No. 64.) On May 11, 2018, Ms. Campbell and Mr. Whiting filed a reply. (C&W Reply, Dkt. No. 72.)

On April 20, 2018, Garrett Dailey[, part of Category 2,] filed a motion to dismiss. (Dailey Mot., Dkt. No. 56.) On May 4, 2018, Plaintiff filed an opposition. (Pl.'s Dailey Opp'n, Dkt. No. 65.) On May 11, 2018, Mr. Dailey filed a reply. (Dailey Reply, Dkt. No. 74.)

On April 24, 2018, Catherine Isham[, Category 1,] filed a motion to dismiss. (Isham Mot., Dkt. No. 58.) On May 5, 2018, Plaintiff filed an opposition. (Pl.'s Isham Opp'n, Dkt. No. 66.) Ms. Isham did not file a reply.

Plaintiff and all named defendants have appeared and consented to the jurisdiction of the undersigned magistrate judge to conduct all further proceedings in this case, including trial and the entry of final judgment, pursuant to 28 U.S.C. § 636(c). (Dkt. Nos. 10, 16, 17, 19, 23-25.)

II. LEGAL STANDARD

Under Federal Rule of Civil Procedure 12(b)(6), a party may file a motion to dismiss based on the failure to state a claim upon which relief may be granted. A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of the claims asserted in the complaint. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001) [quoting *Collins v. Superior Court In and For Los Angeles County* (1957) 150 Cal.App.2d 354's "no set of facts" test for legal sufficiency that was abrogated by *Bell Atlantic Corp. v. Twombly* (2007) 550 U.S. 544].

In considering such a motion, a court must "accept as true all of the factual allegations contained in the complaint," *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (citation omitted), and may dismiss the case or a claim "only where there is no cognizable legal theory" or there is an absence of "sufficient factual matter to state a facially plausible claim to relief." *Shroyer v. New Cingular Wireless Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009); *Navarro*, 250 F.3d at 732) (internal quotation marks omitted).

Generally, if the court grants a motion to dismiss, it should grant leave to amend even if no request to amend is made "unless it determines that the pleading could not possibly be cured by

the allegation of other facts." *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) ([Dissent,] citations [sic] omitted [This Lopez quote is: (1) from the dissent;

therefore, not legal authority, (2) cites to only one authority (*Armstrong v. Rushing* (9th Cir. 1965) 352 F.2d 836), which is applicable only to *in forma pauperis* complaints, and thus, inapposite here—especially since *Armstrong* is superseded by statute]).

III. DISCUSSION

In each of the six motions to dismiss, the defendants argue that the instant lawsuit is barred by the *Rooker-Feldman* doctrine. (County Defs.' Mot. at 4; C&W Mot. at 6; Dailey Mot. at 5; Isham Mot. at 5; Judicial Defs.' Mot. at 9; Wapnick Mot. at [8].)

The *Rooker-Feldman*[2] doctrine deprives the federal courts of jurisdiction to hear direct appeals from the judgments of state courts. *Cooper v. Ramos*, 704 F.3d 772, 777 (9th Cir. 2012). The purpose of the doctrine is to "protect state judgments from collateral federal attack." *Doe & Assoc. Law Offices v. Napolitano*, 252 F.3d 1026, 1030 (9th Cir. 2001). The *Rooker-Feldman* doctrine applies not only to final state[-]court orders and judgments, but to interlocutory orders [sic] and non-final judgments issued by a state court as well. *Id.*; *Worldwide Church of God v. McNair*, 805 F.2d 888, 893 n. 3 (9th Cir. 1986).

The *Rooker–Feldman* doctrine "bars a district court from exercising jurisdiction not only over an action explicitly styled as a direct appeal," but also "the de facto equivalent of such an appeal." *Noel v. Hall*, 341 F.3d 1148, 1155 (9th Cir. 2003) [quotes are nowhere to be found in *Noel*]. To determine whether an action functions as a de facto appeal, we "pay close attention to the relief sought by the federal court plaintiff." *Bianchi v. Rylaarsdam*, 334 F.3d 895, 900 (9th Cir. 2003) (internal quotation marks and citation omitted). An action functions as a forbidden de facto appeal when the plaintiff is: "[1] assert[ing] as his injury legal errors by

the state court and [2] see[king] as his remedy relief from the state[-]court judgment." *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004) (citing *Noel*, 341 F.3d at 1163) [(1) Misquoting headnote, not *Kougasian*, (2) *Kougasian* never cites to Noel at 1163.].

Here, [ignoring: (i) 11 of] Plaintiff's [15 claims (claims 3, and 6-15) or 73% of his claims, and (ii) ignoring that the California courts had no subject matter jurisdiction, his] operative complaint is premised on the allegation that the trial court in the underlying action wrongfully entered judgments modifying Plaintiff's child support and spousal support payments, and ordering distribution of marital and separate property. Plaintiff, having

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[2] The *Rooker-Feldman* doctrine derives its name from two United States Supreme Court cases: *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983), and *Rooker v. Fidelity Trust Company*, 263 U.S. 413 (1923).

lost[3] in state court on these issues, alleges that he has suffered injury as a result of the later judgments, because he has incurred additional child support and spousal support obligations and lost funds due to the state[-]court's characterization of certain mar[it]al and separate property. Indeed, Plaintiff seeks [declaratory relief] that all [sic] state[-]court judgments entered after December 6, 2011 are invalid. Since Plaintiff alleges, as his legal injury, erroneous decisions by the state court, and seeks relief from those judgments, the federal action raises a de

facto appeal.

In opposition,[4] Plaintiff argues that the *Rooker-Feldman* doctrine does not apply, because [the FAC] "does not ask this Court to review any final state-court judgments. Instead, it ask[s] this Court to enforce final state-court judgments in accordance with *Exxon Mobil Corp. v. Saudi Basic Industries Corp.* (2005) 544 U.S. 280." (*See* Pl.'s Judicial Defs.' Opp'n at 6.) *Exxon*, however, is inapposite, because it involved parallel state and federal litigation. *Exxon,* 544 U.S. at 292. ("When there is parallel state and federal litigation, *Rooker-Feldman* is not triggered simply by the entry of judgment in state court.") Here, there are no parallel proceedings, as the instant case was filed after the judgments were entered in the state[-]court proceeding. As a result, this is the very type of case described by the *Exxon* court as being subject to the *Rooker-Feldman* doctrine, as it was "brought by [a] state-court loser[] complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon*, 544 U.S. at 284. Thus, to the extent that Plaintiff argues that *Exxon* supersedes *Rooker-Feldman*, or otherwise assists him here, he is mistaken.

Plaintiff further argues that he is asking the federal court to enforce the December 6, 2011 judgment that was favorable to him and to void the other state[-]court judgments that he contends were entered without subject matter jurisdiction. (*See* Pl.'s Judicial Defs.' Opp'n at 13.) This argument is unavailing. There is no way to view this case other than as a de facto appeal, because

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[3] Despite Plaintiff's arguments to the contrary, the

judgments entered after December 6, 2011 were unfavorable to him, thereby making him a "loser" for the purposes of *Rooker-Feldman*. (*See* Pl.'s Judicial Defs. Opp'n at 22 (characterizes himself as having won prior judgments).)

[4] Plaintiff makes the same arguments regarding *Rooker-Feldman* in all of his oppositions. (*See* Pl.'s County Defs. Opp'n at 13-17; Pl.'s C&W Opp'n at 18-22; Pl.'s Dailey Opp'n at 18-21; Pl.'s Isham Opp'n at 16-17; Pl.'s Judicial Defs. Opp'n at 19-24; Pl.'s Wapnick Opp'n at 17-20.) Thus, for the sake of simplicity, the undersigned will cite only to his opposition to the Judicial Defendants' motion to dismiss.

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his seeking to void later judgments is tantamount to seeking relief from same.

Additionally, to the extent that Plaintiff's allegations seek any examination of the alleged misconduct, including that by the judicial officers in exercising subject matter jurisdiction, this would require the district court to review the state court decision, which it is unable to do. *See Worldwide Church of God v. McNair*, 805 F.2d 888, 892-93 (9th Cir. 1986) (The district court cannot evaluate a plaintiff's alleged constitutional claims without conducting a review of the state court's legal determinations, and it lacks subject matter jurisdiction for the latter.). [sic] Indeed, Plaintiff's only recourse was to file appeals with the California Court of Appeal, which he appears to have done and lost. Plaintiff's only opportunity to appeal to a federal court would have been to appeal to the United States Supreme Court, which he

apparently did not do [sic].

Lastly, to the extent that Plaintiff argues that *Rooker-Feldman* is unconstitutional, the doctrine remains the law of the land, and the undersigned is obligated to follow it. (*See* Pl.'s Judicial Defs.' Opp'n at 23[-24].)

Accordingly, the *Rooker-Feldman* doctrine divests the district court of subject matter jurisdiction, which requires the undersigned to grant the motions to dismiss without leave to amend, as any amendment would be futile. As such, the Court need not address the alternate grounds on which the defendants have separately moved to dismiss the operative complaint.

IV. CONCLUSION

In light of the foregoing, Defendants' six motions to dismiss are GRANTED without leave to amend, because the district court does not have subject matter jurisdiction pursuant to the *Rooker-Feldman* doctrine.

The Clerk shall close the case.

IT IS SO ORDERED.

Dated: July 3, 2018

/s/ Kandis Westmore
KANDIS A. WESTMORE
United States Magistrate Judge

APPENDIX B

TRIAL COURT: NOTICE OF ELECTRONIC FILING (7/3/18)

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 7/3/2018 at 10:52 AM and filed on 7/3/2018

Case Name: Hadsell v. Baskin et al

Case Number: 4:18-cv-00293-KAW

Filer:

Document Number: 88(No document attached) [sic]

Docket Text:

ORDER by Judge Kandis A. Westmore terminating [77] Motion for Bond as moot in light of [87] order granting motions to dismiss without leave to amend. (This is a text-only entry generated by the court. There is no document associated with this entry.) (kawlc1, COURT STAFF) (Filed on 7/3/2018)

APPENDIX C

TRIAL COURT: JUDGMENT (7/3/18)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER HADSELL, Plaintiff
v.
BARRY BASKIN, et al., Defendants.

Case No. 4:18-cv-00293-KAW
JUDGMENT
Re: Dkt. No. 87

On July 3, 2018, the Court granted Defendants' motions to dismiss without leave to amend. (Dkt. No. 87.) Pursuant to Federal Rule of Civil Procedure 58, the Court hereby ENTERS judgment in favor of Defendants and against Plaintiff. The Clerk of Court shall close the file in this matter.

IT IS SO ORDERED.

Dated: July 3, 2018

/s/ Kandis Westmore
KANDIS A. WESTMORE
United States Magistrate Judge

APPENDIX D

TRIAL COURT: ORDER DENYING MOTIONS TO VACATE 7/3/18 ORDERS (8/2/18)

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER HADSELL, Plaintiff

v.

BARRY BASKIN, et al., Defendants.

Case No. 4:18-cv-00293-KAW

JUDGMENT

Re: Dkt. Nos. 93, 94

On July 31, 2018, Plaintiff[,] Christopher Hadsell[,] filed motions to vacate the July 3, 2018 order granting the motion to dismiss without leave to amend (Dkt. No. 93) and the order denying the motion to award service expenses (Dkt. No. 94), pursuant to Federal Rule of Civil Procedure 59(e), on the grounds that the undersigned "committed clear errors resulting in a decision that is manifestly unjust." (Dkt. No. 93 at 2; Dkt. No. 94 at 2.) The undersigned disagrees. Moreover, no trial was held, so the rule cited does not apply.

Accordingly, both motions are DENIED. Plaintiff is advised that this case is closed, and any further motion practice related to this case may result in the imposition of sanctions *sua sponte* on the grounds that Plaintiff is wasting limited judicial resources. Notwithstanding, Plaintiff retains his right to timely appeal the July 3, 2018 orders and judgment to the United States Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: August 2, 2018

/s/ Kandis Westmore
KANDIS A. WESTMORE
United States Magistrate Judge

APPENDIX E

9TH CIR.: MEMORANDUM (1/14/20)

Case: 18-16668, 01/14/2020, ID: 11560925,
DktEntry: 58-1, Page 1 of 3

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTOPHER HADSELL, Plaintiff-Appellant,

v.

BARRY BASKIN, in his individual capacity et al.,
Defendant-Appellees.

No. 18-16668
D.C. No. 4:18-cv-00293-KAW

MEMORANDUM*

Appeal from the United States District Court for the
Northern District of California
Kandis A. Westmore, Magistrate Judge, Presiding**
Submitted January 8, 2020***

Before: CALLAHAN, NGUYEN, and HURWITZ, Circuit Judges.

Christopher Hadsell appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

relating to California state[-]court child and spousal support orders. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003) (dismissal under the *Rooker–Feldman* doctrine). We affirm.

The district court properly dismissed Hadsell's action challenging the California state court's child and spousal support proceedings for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine because it is a "forbidden de facto appeal" of decisions of the California state court and are "inextricably intertwined" with those state court decisions. *See Noel*, 341 F.3d at 1163-65; *see also Cooper v. Ramos*, 704 F.3d 772, 782 (9th Cir. 2012) (explaining that *Rooker–Feldman* doctrine bars "inextricably intertwined" claim where federal adjudication "would impermissibly undercut the state ruling on the same issues" (citation and internal

quotation marks omitted)).

The district court did not abuse its discretion in denying Hadsell's motion to alter or amend the judgment because Hadsell failed to establish any basis for such relief. *See Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Fed. R. Civ. P. 59(e)).

The district court did not abuse its discretion in denying Hadsell's motion to impose service costs because defendants had good cause to not sign and return a

waiver. *See* Fed. R. Civ. P. 4(d)(2); *Estate of Darulis v. Garate*, 401 F.3d 1060, 1063 (9th Cir. 2005) (standard of review).

The district court did not abuse its discretion in denying Hadsell's motion for sanctions because Hadsell failed to comply with the procedural requirements of Rule 11. *See Radcliffe v. Rainbow Constr. Co.*, 254 F.3d 772, 788 (9th Cir. 2001) (standard of review; there are "strict procedural requirements for parties to follow when they move for sanctions under Rule 11.")

The district court did not abuse its discretion by ruling on the motion to dismiss without oral argument. *See* Fed. R. Civ. P. 78(b); *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971) (district court's failure to hold oral argument on a motion to dismiss was not an abuse of discretion or a denial of due process).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or

arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We reject as unsupported by the record Hadsell's contention that the district court judge was biased.

AFFIRMED.

APPENDIX F

9TH CIR.: ORDER (4/20/20)

Case: 18-16668, 04/20/2020, ID: 11665547,
DktEntry: 62, Page 1 of 1

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTOPHER HADSELL, Plaintiff-Appellant,

v.

BARRY BASKIN, in his individual capacity et al.,
Defendant-Appellees.

No. 18-16668
D.C. No. 4:18-cv-00293-KAW
Northern District of California

ORDER

Before: CALLAHAN, NGUYEN, and HURWITZ, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Hadsell's petition for panel rehearing and petition for

rehearing en banc (Docket Entry Nos. 59 and 61) are denied.

Hadsell's request for publication of the memorandum disposition (Docket Entry No. 60) is denied.

No further filings will be entertained in this closed case.

APPENDIX G

9TH CIR.: MANDATE (4/28/20)

Case: 18-16668, 04/28/2020, ID: 11673782,
DktEntry: 63, Page 1 of 1

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTOPHER HADSELL, Plaintiff-Appellant,

v.

BARRY BASKIN, in his individual capacity et al.,
Defendant-Appellees.

No. 18-16668
D.C. No. 4:18-cv-00293-KAW
U.S. District Court for Northern California, Oakland

MANDATE

The judgment of this Court, entered January 14, 2020, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Quy Le
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX H

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED IN THIS CASE

The pertinent constitutional provisions and statutes involved in this case that are not concomitantly quoted in the text are:

U.S. Constitution

U.S. Const. Amend. I:

Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances.

U.S. Const. Amend. V:

No person shall be... deprived of life, liberty, or property, without due process of law;...

U.S. Const. Amend. VII:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...

U.S. Const. Amend. XI:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

U.S. Const. Amend. XIV, §1:

... [No] State [shall] deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. Statutes

28 U.S.C. §1254:

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;...

28 U.S.C. §1257:

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where... the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. §1331:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. §1343:

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:...

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

28 U.S.C. §2201:

(a) In a case of actual controversy within its jurisdiction... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

29 U.S.C. §1056:

(d) Assignment or alienation of plan benefits

(1) Each pension plan shall provide that benefits provided under the plan may not be assigned or alienated.

42 U.S.C. §1983:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or

Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable....

Judicial Code 1911, §237:

Sec. 236. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

Sec. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained

of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

California Statutes

Cal. Code Civ. Proc. §680.230:

"'Judgment' means a judgment, order, or decree entered in a court of this state."

Cal. Gov. Code§68081:

Before... a court of appeal renders a decision in a proceeding... based upon an issue which was not proposed or briefed by any party to the proceeding, the court shall afford the parties an opportunity to present their views on the matter through supplemental briefing. If the court fails to afford that opportunity, a rehearing shall be ordered upon timely petition of any party.