

Appendix A

Case: 21-56303, 07/05/2023, ID: 12748449, DktEntry: 29-1, Page 1 of 3

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF
APPEALS
FOR THE NINTH CIRCUIT

JUL 5 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF
APPEALS

YEHORAM UZIEL,

No. 21-56303

Plaintiff-Appellant,

D.C. No.

v.
GAVIN NEWSOM, Governor of the
State of
California,

2:21-cv-07320-MWF-AFM

Defendant-Appellee.

MEMORANDUM¹

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted June 30, 2023²
San Francisco, California

¹ This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Before: D.W. NELSON, SILVERMAN, and JOHNSTONE, Circuit Judges.

Yehoram Uziel, proceeding pro se, appeals the district court's denial of declaratory and injunctive relief in his 42 U.S.C. § 1983 action against California

Governor Gavin Newsom. Uziel alleges that Governor Newsom violated his Fourteenth Amendment right to companionship with family through enforcement of patient discharge provisions of California's Lanterman-Petris-Short Act ("LPS Act"), Cal. Welf. & Inst. Code § 500 *et seq.* We have jurisdiction under 28 U.S.C. § 1291. We affirm.

We review the district court's grant of a motion to dismiss *de novo*. *Coal. To Def. Affirmative Action v. Brown*, 674 F.3d 1128, 1133 (9th Cir. 2012). The district court properly dismissed the claims as barred by sovereign immunity, and as not within the exception for enjoining state officials from the enforcement of state law, because Governor Newsom lacks a "fairly direct" connection with enforcement of the patient discharge provisions of the LPS Act. *L.A. Cnty. Bar Ass'n v. Eu*, 979 F.2d 697, 704 (9th Cir. 1992) ("[A] generalized duty to enforce state law or general supervisory power over the persons responsible for enforcing the challenged provision will not subject an official to suit."); *see* Cal. Welf. & Inst. Code §§ 5150(a), 5152(a), 5250, 5304(b).

The district court did not abuse its discretion by denying Uziel's motion for injunctive relief because Uziel failed to show a likelihood of success on the merits for that he would suffer irreparable harm. *See Winter v. Nat'l Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (explaining requirements to obtain a preliminary injunction).

The district court did not abuse its discretion by denying Uziel's motion for reconsideration of the order denying his motion for a temporary restraining order because Uziel did not provide new evidence or any other ground for reconsideration. *See Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) ("[Absent] other, highly unusual, circumstances," "[r]econsideration is appropriate if the district court (1) is

presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) there is an intervening change in controlling law."); *see also* C.D. Cal. Civ. L.R. 7-18.

The district court did not abuse its discretion by declining to hear oral argument on Governor Newsom's motion to dismiss or Uziel's motion for reconsideration because Uziel has not shown prejudice resulting from those decisions. *See Mahon v. Credit Bureau of Placer Cnty. Inc.*, 171 F.3d 1197, 1200 (9th Cir. 1999), *as amended on denial of reh'g and reh'g en banc* (Apr. 28, 1999) (finding no abuse of discretion in refusing oral argument where the only prejudice alleged "was the district court's adverse ruling on the motion").

The district court did not abuse its discretion by denying Uziel's motions to recuse Judge Fitzgerald. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion."); *Glick v. Edwards*, 803 F.3d 505, 508 (9th Cir. 2015) (standard of review).

Uziel's motion to recuse Judges Goodwin, Canby, Thomas, Silverman, and Tallman, filed on February 24, 2022 (Docket Entry No. 12), is DENIED.

AFFIRMED.

Appendix B

Case: 21-56306, 07/03/2023, ID: 12747556, DktEntry: 35-1, Page 1 of 3

NOT FOR PUBLICATION
UNITED STATES COURT OF
APPEALS
FOR THE NINTH CIRCUIT

FILED
JUL 3, 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

YEHORAM UZIEL,
Plaintiff-Appellant,
v.
SUPERIOR COURT OF
CALIFORNIA,
COUNTY OF LOS ANGELES,
Defendant-Appellee,
MELVIN D. SANDVIG; et al.,
Defendants-Appellees,
and
NORTH VALLEY DISTRICT
CHATSWORTH COURTHOUSE,
DEPARTMENT F47,

Defendant.

No. 21-56306
D.C. No.
2:19-cv-01458-DSF-JEM
MEMORANDUM³

Appeal from the United States District Court
for the Central District of California
Dale S. Fisher, District Judge, Presiding

Submitted June 29, 2023⁴
San Francisco, California

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

⁴ The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: D.W. NELSON, SILVERMAN, and JOHNSTONE,
Circuit Judges.

Yehoram Uziel, proceeding pro se, appeals the district court's post-judgment order awarding sanctions under Federal Rule of Civil Procedure 11 in Uziel's action alleging violations of 42 U.S.C. § 1985(2) and (3), 28 U.S.C. § 1343, and 18 U.S.C. § 242 by the litigants, attorneys, trial court, and other parties involved in his earlier state-court action. Uziel previously appealed the district court's judgment dismissing his claims, and we affirmed. *Uziel v. Superior Ct. of Cal.*, 857 Fed. App'x. 405 (9th Cir. 2021) (unpublished). We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1365–66 (9th Cir. 1990). We affirm.

The district court did not abuse its discretion by awarding as Rule 11 sanctions the attorneys' fees that defendants incurred in this action. *See* Fed. R. Civ. P. 11(b) (establishing that a party presenting any pleading represents that "(1) it is not being presented for any improper purpose, such as to harass . . . ; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a non frivolous argument for . . . establishing new law; (3) the factual contentions have evidentiary support . . ."); Fed. R. Civ. P. 11(c)(1), (4) (court may award sanctions for violations of Rule 11(b), including "reasonable attorney's fees and other expenses directly resulting from the violation"); *Townsend*, 929 F.2d at 1365 ("A district court confronted with solid evidence of a pleading's frivolousness may in circumstances that warrant it infer that it was filed for an improper purpose."); *see also Gaskell v. Weir*, 10 F.3d 626, 629 (9th Cir. 1993) ("In a case like this, where the original complaint is the improper pleading, all attorney fees reasonably incurred in defending against the claims asserted in the complaint form the proper basis for sanctions.").

Uziel also seeks review of the district court's orders denying his motions to recuse the magistrate and district court

judges. We previously affirmed those rulings, *Uziel*, 857 Fed. App'x. at 406, and decline to revisit them here.

Uziel's motion to recuse Judges Goodwin, Canby, Thomas, Silverman, and Tallman, filed on February 24, 2022 (Docket Entry No. 11), is DENIED.

AFFIRMED.