United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COYOTE VALLEY BAND OF POMO INDIANS,

Plaintiff,

v.

ROBERT FINDLETON, et al.,

Defendants.

Case No. 22-cv-00607-JST

ORDER GRANTING MOTIONS TO DISMISS

Re: ECF Nos. 95, 100

Before the Court are Defendants Robert Findleton's and Judge Ann Moorman's motions to dismiss Plaintiff's Second Amended Complaint ("SAC"). ECF Nos. 95, 100. The Court previously granted Defendants' motions to dismiss Plaintiff's First Amended Complaint ("FAC") on the ground that the *Rooker-Feldman* doctrine barred this Court's subject matter jurisdiction. For the reasons articulated in that order, *see* ECF No. 89, the Court holds that the *Rooker-Feldman* doctrine continues to bar this Court's subject matter jurisdiction.

There is no meaningful difference between the FAC and SAC as it relates to the application of *Rooker-Feldman*. *Compare* ECF No. 91 *with* ECF No. 26. At bottom, all of Plaintiff's claims challenge the decisions of the California Court of Appeal in *Findleton v. Coyote Valley Band of Pomo Indians*, 1 Cal. App. 5th 1194 (2016), and *Findleton v. Coyote Valley Band of Pomo Indians*, 27 Cal. App. 5th 565 (2018). For this Court to enforce the identified Tribal Court orders, issue the declaratory judgment sought, or entertain the contract claims pleaded would necessarily require the Court to "review and reject[]" those decisions. *Lance v. Dennis*, 546 U.S. 459, 464 (2006) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp*, 544 U.S. 280, 284 (2005)). This case is thus "a forbidden de facto appeal from [the] judicial decision[s] of" the California courts that the Court "must refuse to hear" under *Rooker-Feldman*. *Noel v. Hall*, 341

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F.3d 1148, 1158 (9th Cir. 2003). The United States Supreme Court is the only federal court in which review of those decisions is proper. *See Exxon Mobil*, 544 U.S. at 285.

Defendants' motions are therefore granted. Dismissal is with prejudice and without leave to amend because it is clear that "the complaint could not be saved by amendment." *Stoyas v. Toshiba Corp.*, 896 F.3d 933, 939 (9th Cir. 2018). Considering, as the Court must, "the relevant factors [set forth in *Foman v. Davis*, 371 U.S. 178, 83 S. Ct. 227, 9 L. Ed. 2d 222 (1962)]," *id.* (alteration in original), the Court finds that amendment would be futile, *see Foman*, 371 U.S. at 182. Any additional claims or allegations predicated on the contractual relationship at the heart of this controversy would necessarily be "'inextricably intertwined' with the issue[s] resolved by the state court in its judicial decision[s]," rendering this Court's subject matter jurisdiction invariably barred by *Rooker-Feldman*. *Noel*, 341 F.3d at 1148; *see Perez v. Mortg. Electronic Reg. Sys., Inc.*, 959 F.3d 334, 341 (9th Cir. 2020) (affirming dismissal with prejudice on futility grounds where amendment "would not have changed the determination that the action was a preemptive, pre-foreclosure action seeking to challenge banks' authority to foreclose, and that such an action is impermissible under California law").

IT IS SO ORDERED.

Dated: January 18, 2023

JON S. TIGAR
United States District Judge