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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CLARENCE HAYWOOD,

Plaintiff - Appellant,

v.

STEPHEN J. HILLMAN, Magistrate
Judge; et al.,

Defendants - Appellees.

No. 08-56338

D.C. No. 5:03-cv-00996-DT

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dickran M. Tevrizian, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Clarence Haywood, a former California state court prisoner, appeals pro se from the district court’s vexatious litigant order in his action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

against various judicial and quasi-judicial officers. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056-57 (9th Cir. 2007) (per curiam), and we affirm.

The district court did not abuse its discretion by rejecting pleadings that Haywood tried to file in violation of a vexatious litigant order that had been entered after giving him notice and an opportunity to be heard, developing a record for review, making findings of previous harassment and frivolous filings, and narrowly tailoring the remedy. *See id.* at 1057 (explaining four factors that district courts must examine before entering pre-filing review orders against vexatious litigants). The record establishes that Haywood tried to circumvent, not comply with, the vexatious litigant order, which required him to obtain leave of court before filing future proceedings with an affidavit verifying under penalty of perjury that the matters alleged in his proposed pleading were not frivolous and had not been previously raised. *Cf. In re Fillbach*, 223 F.3d 1089, 1090 (9th Cir. 2000) (affirming dismissal of a bankruptcy petition filed to circumvent a vexatious litigant order entered in bankruptcy court).

Haywood's remaining contentions are unpersuasive.

AFFIRMED.