

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 4 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARK DARULIS,

Plaintiff-Appellant,

v.

SAN DIEGO POLICE OFFICER GOTTS
#6836; et al.,

Defendants-Appellees.

No. 16-55328

D.C. No. 3:15-cv-00864-CAB-BGS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Cathy Ann Bencivengo, District Judge, Presiding

Submitted September 26, 2017**

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

Mark Darulis appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action alleging constitutional claims against judicial officers arising out of state court proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Fed. R. Civ. P. 12(b)(6). *Mullis v. U.S. Bankr.*

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

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

Court, 828 F.2d 1385, 1388 (9th Cir. 1987). We affirm.

The district court properly dismissed Darulis’s claims against defendant Miesfeld (erroneously sued as “Miefeld”) on the basis of judicial immunity because the challenged action was taken in Miesfeld’s judicial capacity. *See Duvall v. County of Kitsap*, 260 F.3d 1124, 1133 (9th Cir. 2001) (explaining that judges are immune from suit for money damages for judicial acts and setting forth factors “relevant to the determination of whether a particular act is judicial in nature”); *Franceschi v. Schwartz*, 57 F.3d 828, 830 (9th Cir. 1995) (judicial immunity applies to municipal court commissioner).

The district court properly dismissed Darulis’s claims against defendant Banks on the basis of quasi-judicial immunity because the challenged actions were “an integral part of the judicial process.” *Mullis*, 828 F.2d at 1390; *see Duvall*, 260 F.3d at 1133.

Defendants Miesfeld’s and Banks’s motion to take judicial notice (Docket Entry No. 9) is denied as unnecessary.

AFFIRMED.