

NOT FOR PUBLICATION

JAN 02 2014

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

In re: ARTHUR SCOTT WEST,

Appellant.

No. 11-35918

D.C. No. 3:11-mc-05022-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Arthur Scott West appeals pro se from the district court's order imposing a pre-filing restriction on him as a vexatious litigant. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056-57 (9th Cir. 2007) (per curiam). We affirm.

The district court did not abuse its discretion by imposing a pre-filing

* 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).

restriction against West after giving him notice and an opportunity to be heard, developing an adequate record for review, making findings regarding his frivolous litigation history, and tailoring the restriction to the specific vices encountered. *See id.* at 1057-61 (discussing the four factors for imposing pre-filing restrictions).

We reject West's contentions concerning the district court's jurisdiction to impose the pre-filing restriction, judicial bias, and the validity of the restriction and the "vexatious litigant standards" under federal and state law.

The Port of Tacoma's opposed motion for leave to file an amicus brief, filed on August 16, 2013, is denied. West's request for default and appointment of the U.S. Attorney as amicus curiae, set forth his opposition brief, is also denied.

West's motion for reconsideration, filed on September 27, 2013, is denied.

AFFIRMED.