

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 7 2016

FOR THE NINTH CIRCUIT

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

BRENDA J. LITTLE,

Plaintiff-Appellant,

v.

STATE OF WASHINGTON; et al.,

Defendants-Appellees.

No. 14-35815

D.C. No. 2:13-cv-01284-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, SILVERMAN, and GRABER, Circuit Judges.

Brenda J. Little, an inactive attorney, appeals pro se from the district court's order declaring her a vexatious litigant and imposing pre-filing restrictions. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1062 (9th Cir. 2014).

* 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).

We vacate and remand.

In declaring Little a vexatious litigant and entering a pre-filing order against her, the district court provided Little with notice and an opportunity to be heard, developed an adequate record for review, and made substantive findings regarding her frivolous and harassing litigation history. *See id.* (discussing factors to consider before imposing pre-filing restrictions). However, the provision imposing pre-filing review on “[a]ny *pro se* complaint submitted for filing in this district in which Brenda J. Little is a named plaintiff or purports to act as a party representative” is not narrowly tailored to disputes arising from the attorney disciplinary proceedings that Little seeks to challenge. *See id.* at 1066-67 (outlining requirement that pre-filing order be narrowly tailored); *see also De Long. v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990) (pre-filing orders “must be narrowly tailored to fit the specific vice encountered”). Accordingly, we vacate the entry of the pre-filing order and remand for the district court to enter a pre-filing order that is narrowly tailored.

Little’s contentions that the district court acted improperly, violated various constitutional amendments, issued an advisory opinion, erred by not following procedures under Federal Rule of Civil Procedure 11, and improperly structured the pre-filing order are unpersuasive.

The parties shall bear their own costs on appeal.

VACATED and REMANDED.

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SILVERMAN, Circuit Judge, dissenting:

I would affirm.