

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2019

FOR THE NINTH CIRCUIT

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

BRIAN KERRY O'KEEFE,

No. 18-16418

Plaintiff-Appellant,

D.C. No. 3:18-cv-00100-RCJ-WGC

v.

MEMORANDUM*

UNITED STATES DISTRICT COURT, Las
Vegas, Nevada; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Nevada state prisoner Brian Kerry O'Keefe appeals pro se from the district court's judgment dismissing his action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed O’Keefe’s action because defendants are entitled to judicial and quasi-judicial immunity. *See Duvall v. County of Kitsap*, 260 F.3d 1124, 1133 (9th Cir. 2001) (discussing judicial immunity, factors relevant to whether an act is judicial in nature, and extension of judicial immunity to officials other than judges “who perform functions closely associated with the judicial process” (citation and internal quotation marks omitted)); *Mullis v. U.S. Bankr. Court*, 828 F.2d 1385, 1394 (9th Cir. 1987) (“The judicial or quasi-judicial immunity available to federal officers is not limited to immunity from damages, but extends to actions for declaratory, injunctive and other equitable relief.”).

We treat O’Keefe’s “motion for leave to file memorandum of points and authorities” (Docket Entry No. 7) as a motion to supplement the opening brief, and grant the motion. O’Keefe’s memorandum of points and authorities included with his motion has been filed.

AFFIRMED.