

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 10 2020

FOR THE NINTH CIRCUIT

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

DAVID LOUIS WHITEHEAD,

No. 19-55905

Plaintiff-Appellant,

D.C. No. 2:19-cv-05500-JFW-RAO

v.

MEMORANDUM*

NETFLIX, INC.; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted December 2, 2020**

Before: WALLACE, SILVERMAN, and BRESS, Circuit Judges.

David Louis Whitehead appeals pro se from the district court's order dismissing his action under a pre-filing vexatious litigant order. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Moy v. United States*, 906 F.2d 467, 469 (9th Cir. 1990). We affirm.

* 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).

The district court did not abuse its discretion by rejecting Whitehead's proposed filings and dismissing his action because the filings were within the scope of the district court's pre-filing vexatious litigant order. *See Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999) ("District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation. Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain requirements, such as obtaining leave of the court" (internal citation removed)).

We reject as without merit Whitehead's contentions that the district judge and magistrate judges should have recused themselves from this action.

Whitehead's pending motions are denied.

AFFIRMED.