

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 16 2021

FOR THE NINTH CIRCUIT

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

In re: DAVID LEE PHILLIPS, Attorney at
Law, Bar No. 538,

No. 21-15387

D.C. No. 2:20-cv-02213-MMD

DAVID LEE PHILLIPS,

MEMORANDUM*

Appellant.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted December 14, 2021**

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

David Lee Phillips, an attorney, appeals pro se from the district court's order imposing reciprocal discipline following his four-year suspension by the Nevada Supreme Court. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *In re Corrinet*, 645 F.3d 1141, 1145 (9th Cir. 2011). 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 in suspending Phillips from the practice of law in the District of Nevada because Phillips did not meet his burden to show that he was deprived of due process, that proof of misconduct was insufficient, or that grave injustice would result from the imposition of reciprocal discipline. *See In re Kramer*, 282 F.3d 721, 724-25 (9th Cir. 2002) (explaining the limited circumstances in which an attorney can avoid a federal court's imposition of reciprocal discipline and setting forth attorney's burden of proof).

We reject as without merit Phillips's contention that the Nevada Supreme Court's requirement that Phillips protect his clients' interests when withdrawing from representation violates the Thirteenth Amendment's prohibition against involuntary servitude.

AFFIRMED.