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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICOLE HODGE AMEY,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. [18-cv-02406-CRB](#)

**ORDER GRANTING MOTION TO  
DISMISS WITH LEAVE TO AMEND**

Nicole Amey, an attorney, sues under the ADA and Rehabilitation Act, complaining of (1) the California Office of Administrative Hearings' ("OAH") denial of Amey's request for a continuance on behalf of her client, and (2) the OAH's decision to sanction Amey in a different case. Compl. (dkt. 1) at 6–7. Amey's appeal of the sanctions order is barred under the Rooker-Feldman doctrine. See Noel v. Hall, 341 F.3d 1148, 1163 (9th Cir. 2003) ("[W]hen the plaintiff in federal district court complains of a legal wrong allegedly committed by the state court, and seeks relief from the judgment of that court," the action is a forbidden de facto appeal.). Meanwhile, Amey's claim for an injunction under the Rehabilitation Act fails because (1) Amey alleges no wrongdoing by the California Department of Education (CDE and OAH are separate agencies, M.M. v. Lafayette Sch. Dist., 681 F.3d 1082, 1086 (9th Cir. 2012)), and (2) Amey points to no "continuing, present adverse effects" resulting from the OAH's one-time denial of her request for a continuance, see City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983). Accordingly, the complaint is **DENIED WITH LEAVE TO AMEND**. Amey shall file an amended complaint on or before Aug. 17, 2018. The hearing scheduled for Aug. 10 is **VACATED**.

United States District Court  
Northern District of California

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**IT IS SO ORDERED.**

Dated: July 27, 2018



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CHARLES R. BREYER  
United States District Judge