

1 Not only is Plaintiff seeking removal, he is also apparently seeking to appeal in this Court the
2 judgment entered against him in state court. *See* Docket No. 1-1 at 6. It is well-settled that a federal
3 district court does not have appellate jurisdiction over a state court, whether by direct appeal, mandamus,
4 or otherwise. *See, e.g., Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Bianchi v. Rylaarsdam*, 334
5 F.3d 895, 898 (9th Cir. 2003).

6 Accordingly, the undersigned **RECOMMENDS** that this case be **REMANDED** to Las Vegas
7 Justice Court.

8 DATED: October 31, 2017

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11 Nancy J. Koppe
12 United States Magistrate Judge

13 **NOTICE**

14 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in
15 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
16 that the courts of appeal may determine that an appeal has been waived due to the failure to file
17 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
18 held that (1) failure to file objections within the specified time and (2) failure to properly address and
19 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
20 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
21 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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