

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

AARON SCOTT FEELEY,

3:17-cv-00649-PK

Plaintiff,

ORDER

v.

ALLAN R. EARL, et al.,

Defendants.

BROWN, Judge.

This matter comes before the Court on the Ninth Circuit's Referral Notice, Case No. 17-35782, referring Plaintiff's appeal to this Court for the sole purpose of determining whether Plaintiff's *in forma pauperis* status should continue for this appeal or whether the appeal is frivolous or taken in bad faith."

The Court concludes Plaintiff's *in forma pauperis* status should not continue for appeal.

**BACKGROUND**

On April 24, 2017, Plaintiff Aaron Scott Feeley filed an Application to Proceed *In Forma Pauperis* and a *pro se* Complaint seeking declaratory and injunctive relief against two Nevada state trial court judges and a Nevada state-court appointed trustee.

On June 27, 2017, Magistrate Judge Paul Papak issued Findings and Recommendation in which he recommended the Court dismiss this matter *sua sponte* with prejudice on the grounds that (1) Plaintiff's claims for declaratory relief are a *de facto* appeal of a Nevada state-court matter, and, therefore, they are barred by the *Rooker-Feldman* Doctrine; (2) Plaintiff's claims for declaratory relief are also barred by the doctrine of claim preclusion; (3) Plaintiff's claims for injunctive relief are barred by the *Younger* abstention doctrine or, in the alternative, barred by the probate exception to this Court's jurisdiction; and/or (4) Plaintiff fails to allege sufficient facts to establish that this Court has personal jurisdiction over Defendants. The Magistrate Judge also recommended this Court deny Plaintiff's Application to Proceed *In Forma Pauperis* as moot.

On July 25, 2017, this Court issued an Order adopting as modified the Findings and Recommendation. Specifically, the Court granted Plaintiff's Application to Proceed *In Forma*

*Pauperis* and dismissed Plaintiff's Complaint with prejudice. The Court also entered a Judgment dismissing this matter with prejudice.

On September 22, 2017, Plaintiff filed a Notice of Appeal.

On September 28, 2017, the Ninth Circuit, as noted, referred Plaintiff's appeal to this Court for the sole purpose of determining whether Plaintiff's "*in forma pauperis* status should continue for this appeal or whether the appeal is frivolous or taken in bad faith."

As noted, Plaintiff's claims were barred in their entirety in this Court by the *Rooker-Feldman* Doctrine, the *Younger* abstention doctrine, and the probate exception to this Court's jurisdiction. In addition, Plaintiff failed to establish that this Court had personal jurisdiction over Defendants. Thus, the Court concludes Plaintiff's appeal is frivolous and Plaintiff's *in forma pauperis* status should not continue for his appeal.

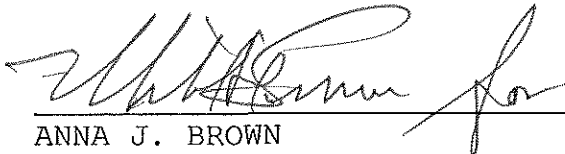
#### CONCLUSION

For these reasons, the Court concludes Plaintiff's appeal is frivolous, and, therefore, Plaintiff's *in forma pauperis* status

should not continue for his appeal.

IT IS SO ORDERED.

DATED this 2<sup>nd</sup> day of October, 2017.

  
ANNA J. BROWN  
United States Senior District Judge