

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 05 2008

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

NIKROUZ GHAZIBAYAT,  
  
Plaintiff - Appellant,  
  
v.  
  
SBC ADVANCED SOLUTIONS, INC.,  
  
Defendant - Appellee.

No. 07-55254

D.C. No. CV-06-08124-AHS

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Alicemarie H. Stotler, Chief Judge, Presiding

Submitted July 22, 2008\*\*

Before: B. FLETCHER, LEAVY, and THOMAS, Circuit Judges.

Nikrouz Ghazibayat appeals pro se from the district court's order denying his request to proceed in forma pauperis. We have jurisdiction under 28 U.S.C.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. Accordingly, Ghazibayat's request for oral argument is denied. *See Fed. R. App. P. 34(a)(2)*.

§ 1291. We review for an abuse of discretion. *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987). We affirm.

Ghazibayat's proposed complaint seeks review of a state court judgment, which is barred by the *Rooker-Feldman* doctrine. *See Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003) (explaining that under the *Rooker-Feldman* doctrine, federal district courts lack subject matter jurisdiction to hear a direct appeal from the final judgment of a state court). Accordingly, the district court did not abuse its discretion by denying Ghazibayat's request to proceed in forma pauperis because it appears from the face of the proposed complaint that the action is frivolous or without merit. *See Tripati*, 821 F.2d at 1370; *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998) (per curiam) (concluding that district court did not abuse its discretion by denying in forma pauperis application where plaintiff lacked standing, and complaint was barred by res judicata and judicial immunity).

Ghazibayat's motion to expedite the case is denied as moot.

\_\_\_\_\_ **AFFIRMED.**