

DEC 28 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JEREMIAH BOURGEOIS,  
  
Plaintiff - Appellant,  
  
v.  
  
HONORABLE PAULA CASEY,  
  
Defendant - Appellee.

No. 07-35179

D.C. No. CV-06-05592-FDB

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Franklin D. Burgess, District Judge, Presiding

Submitted December 20, 2007\*\*

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

Jeremiah Bourgeois, a Washington state prisoner, appeals pro se from the district court's judgment dismissing his action alleging that a state court judge violated his constitutional rights by denying his motion to waive filing fees. We

---

\* 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. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction under 28 U.S.C. § 1291. We review de novo whether a case should be dismissed for lack of subject matter jurisdiction based on the *Rooker-Feldman* doctrine. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We may affirm on any basis supported by the record even if the district court did not rely on that basis. *See United States v. State of Wash.*, 969 F.2d 752, 755 (9th Cir. 1992). We affirm.

The district court lacked subject matter jurisdiction under the *Rooker-Feldman* doctrine because Bourgeois’s action is a “forbidden de facto appeal from a judicial decision of a state court,” and raises constitutional claims that are “inextricably intertwined” with that prior state court decision. *Id.* at 1158.

**AFFIRMED.**