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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN SANDEEN,
Plaintiff,
v.
ANNE LIZARDO,
Defendant.

No. 2:16-cv-2591 MCE CKD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action in propria persona. In this action, plaintiff names as the defendant his wife, who filed for divorce and child custody. Plaintiff complains of alleged errors that occurred in the divorce proceedings.¹

A federal district court does not have jurisdiction to review errors in state court decisions in civil cases. Dist. of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 (1923). “The district court lacks subject matter jurisdiction either to conduct a direct review of a state court judgment or to scrutinize the state court’s application of various rules and procedures pertaining to the state case.” Samuel v. Michaud, 980 F. Supp. 1381, 1411-12 (D. Idaho 1996), aff’d, 129 F.3d 127 (9th Cir. 1997). See

¹ Concurrent with the filing of the complaint, plaintiff also filed three motions for “declaratory relief.” The motions appear to be duplicative of the relief plaintiff seeks in his complaint and should accordingly be denied as improvidently brought.

1 also Branson v. Nott, 62 F.3d 287, 291-92 (9th Cir.1995) (finding no subject matter jurisdiction
2 over section 1983 claim seeking, inter alia, implicit reversal of state trial court action); MacKay v.
3 Pfeil, 827 F.2d 540, 544-45 (9th Cir. 1987) (attacking state court judgment because substantive
4 defense improper under Rooker-Feldman). That the federal district court action alleges the state
5 court's action was unconstitutional does not change the rule. Feldman, 460 U.S. at 486.
6 Moreover, claims raised in federal district court need not have been argued in the state judicial
7 proceedings to be barred by the Rooker-Feldman doctrine. Id. at 483-84 & n.16. If federal
8 claims are "inextricably intertwined" with a state court judgment, the federal court may not hear
9 them. Id. "[T]he federal claim is 'inextricably intertwined' with the state court judgment if the
10 federal claim succeeds only to the extent that the state court wrongly decided the issues before it."
11 Pennzoil Co. v. Texaco, Inc., 481 U.S. 1, 25 (1987) (Marshall, J., concurring). In sum, "a state
12 court's application of its rules and procedures is unreviewable by a federal district court. The
13 federal district court only has jurisdiction to hear general challenges to state rules or claims that
14 are based on the investigation of a new case arising upon new facts." Samuel, 980 F. Supp. at
15 1412-13.

16 Plaintiff alleges improprieties related to his marital dissolution proceedings and judicial
17 orders related thereto. Plaintiff does not raise a general federal challenge to state law. See
18 Branson, 62 F. 3d at 292. Stripped to its essence, this action is one for federal court review of
19 state court proceedings. The court finds the instant action amounts to an attempt to litigate in
20 federal court matters that are inextricably intertwined with state court decisions. The court will
21 therefore recommend this action be dismissed for lack of subject matter jurisdiction under
22 Rooker-Feldman.²

23
24 ² The domestic relations exception to federal jurisdiction bolsters the conclusion that
25 subject matter jurisdiction in this case is inappropriate. The domestic relations exception "divests
26 the federal courts of power to issue divorce, alimony and child custody decrees." Ankenbrandt v.
27 Richards, 504 U.S. 689, 703 (1992) (explaining domestic relations exception to diversity
28 jurisdiction). "Even when a federal question is presented, federal courts decline to hear disputes
which would deeply involve them in adjudicating domestic matters." Thompson v. Thompson,
798 F.2d 1547, 1558 (9th Cir. 1986), aff'd, 484 U.S. 174 (1988); see also Tree Top v. Smith, 577
F.2d 519 (9th Cir. 1978) (declining to exercise jurisdiction over habeas petition seeking custody
of child who had been adopted by others). In this circuit, federal courts refuse jurisdiction if the
primary issue concerns child custody issues or the status of parent and child or husband and wife.

1 Accordingly, IT IS HEREBY RECOMMENDED that:

- 2 1. Plaintiff's motions for declaratory relief (ECF Nos. 3, 4, 5) be denied without
3 prejudice; and
4 2. This action be dismissed for lack of subject matter jurisdiction.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
10 within the specified time may waive the right to appeal the District Court's order. Martinez v.
11 Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: November 8, 2016

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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See Coats v. Woods, 819 F.2d 236 (9th Cir. 1987); Csibi v. Fustos, 670 F.2d 134, 136-37 (9th
23 Cir. 1982).

24 In Coats, plaintiff, invoking 42 U.S.C. § 1983, alleged that her ex-husband and others
25 involved in state court proceedings had wrongfully deprived her of custody of her children.
26 Defendants included the former husband and his current wife, their attorney, the court-appointed
27 attorney for the children, a court-appointed psychologist, two court commissioners, two superior
28 court judges, the county, the police department, and an organization called United Fathers.
Plaintiff specifically alleged that defendants deprived her of child custody, thereby depriving her
of a liberty interest, in violation of 42 U.S.C. §§ 1983, 1985(2), and 1985(3). Because the action
at its core implicated domestic relations issues, the Ninth Circuit affirmed the district court's
decision to abstain from exercising jurisdiction. Like Coats, this case is at core a domestic
relations dispute. See id. at 237.