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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Douglas E. Miller,

10 Plaintiff,

11 v.

12 United States Department of the Interior, et
13 al.,

14 Defendants.

No. CV-14-08240-PCT-NVW

ORDER

15 Before the court is Defendant Starcrest's Motion to Dismiss Under Federal Rule of
16 Civil Procedure 12(b)(1) and 12(b)(6) (Doc. 19). Plaintiff Douglas E. Miller seeks
17 damages and declaratory and injunctive relief against Starcrest, which he alleges has
18 interfered with his federally bestowed right to graze livestock on a parcel of land in
19 Yavapai County, Arizona ("Property"). (Doc. 1 at 5, 9.) In its Motion, Starcrest asserts
20 that in 2008 it filed a quiet title action with respect to the Property in Yavapai County
21 Superior Court. (Doc. 19 at 4; Doc. 19-1 at 2.) That court allegedly ruled in Starcrest's
22 favor in December 2010 and issued an Amended Final Judgment After Appeal in
23 September 2013, declaring that Miller was entitled only to "permissive limited use" of
24 the Property. (Doc. 19 at 4; Doc. 19-1 at 4.) Starcrest now moves to dismiss Miller's
25 claims as barred by res judicata, collateral estoppel, and the *Rooker-Feldman* doctrine.

26 Under *Rooker-Feldman*, when a "losing party in state court file[s] suit in federal
27 court after the state proceedings end[], complaining of an injury caused by the state-court
28 judgment and seeking review and rejection of that judgment," the federal district court

1 lacks jurisdiction. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291
2 (2005). *Rooker-Feldman* applies only in these “limited circumstances”; it is separate
3 from and “does not otherwise override or supplant preclusion doctrine.” *Id.* at 291, 284.
4 The doctrine does not “stop a district court from exercising subject-matter jurisdiction
5 simply because a party attempts to litigate in federal court a matter previously litigated in
6 state court. If a federal plaintiff ‘present[s] some independent claim, albeit one that denies
7 a legal conclusion that a state court has reached in a case to which he was a party . . . ,
8 then there is jurisdiction and state law determines whether the defendant prevails under
9 principles of preclusion.’” *See id.* at 293 (alterations in original).

10 Here, Miller does not ask this court to “review and reject” the Superior Court’s
11 judgment or to remedy an “injury” caused by that judgment. Instead, he requests a
12 declaration that he owns the Property and an injunction prohibiting Starcrest from
13 interfering with his enjoyment of the Property and associated grazing rights, as well as
14 damages for past interference. Miller’s claims may be barred by res judicata and
15 collateral estoppel; further briefing is required before the court can decide that issue. But
16 it is clear from the face of the Complaint that Miller has not filed an appeal—“de facto”
17 (Doc. 19 at 6) or otherwise—of the Superior Court judgment. Accordingly, *Rooker-*
18 *Feldman* is inapplicable to this case, and the portion of Starcrest’s Motion that seeks
19 dismissal under that doctrine must be denied. Because the remainder of Starcrest’s
20 Motion requests dismissal on non-jurisdictional grounds, Miller will have seventeen days,
21 rather than thirty-three, in which to file a response.

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23 IT IS THEREFORE ORDERED that Defendant Starcrest’s Motion to Dismiss
24 Under Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) (Doc. 19) is denied to the
25 extent it seeks dismissal under *Rooker-Feldman*.

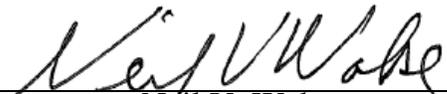
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IT IS FURTHER ORDERED that Miller file a response to the remaining portions of Starcrest’s Motion no later than June 8, 2015. Starcrest may file a reply no more than ten days after the submission of Miller’s response.

Dated this 21st day of May, 2015.


Neil V. Wake
United States District Judge