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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR CORREA,

Petitioner,

No. 2:12-cv-2189 EFB P

vs.

SUPREME COURT OF  
CALIFORNIA,

Respondent.

ORDER AND  
FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /  
Petitioner, a state prisoner without counsel, has filed a notice of appeal. In his notice of appeal, petitioner explains that he is appealing the judgment of the California Supreme Court. Dckt. No. 1 at 1.

Under the Rooker–Feldman doctrine, a federal district court does not have subject-matter jurisdiction to hear an appeal from the judgment of a state court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283–84, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005); *see also Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415, 44 S.Ct. 149, 68 L.Ed. 362 (1923). The Rooker–Feldman doctrine bars jurisdiction in federal district court if the exact claims raised in a state court case are raised in the subsequent federal case, or if the constitutional claims

1 presented to the district court are “inextricably intertwined” with the state court’s denial of relief.  
2 *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898–99 (9th Cir.2003) (quoting *Feldman*, 460 U.S. at 483  
3 n. 16). Rooker–Feldman thus bars federal adjudication of any suit whether a plaintiff alleges an  
4 injury based on a state court judgment or directly appeals a state court's decision. *Id.* at 900 n. 4.  
5 The district court lacks subject matter jurisdiction either to conduct a direct review of a state  
6 court judgment or to scrutinize the state court’s application of various rules and procedures  
7 pertaining to the state case. *Samuel v. Michaud*, 980 F. Supp. 1381, 1411–12 (D. Idaho 1996),  
8 *aff’d*, 129 F.3d 127 (9th Cir.1997). The rule applies even where it is alleged that the state court’s  
9 action was unconstitutional. *Feldman*, 460 U.S. at 486. Further, the doctrine applies to attacks  
10 of criminal judgments as well as civil ones. *Roberts v. Los Angeles City Fire Dep’t*, 86  
11 F.Supp.2d 990, 994 (C.D. Cal. 2000); *see also Datz v. Kilgore*, 51 F.3d 252, 253 (11th Cir.1995)  
12 (applying Rooker–Feldman doctrine where state court judgment was a criminal conviction).

13 Here, it is clear the court lacks jurisdiction. Petitioner names the California Supreme  
14 Court as the respondent. Dckt. No. 1 at 1. Petitioner explains that he is “appealing a judgment  
15 of the Supreme Court of California on direct appeal.” *Id.* He states that he is waiting for the  
16 United States Court of Appeals to return his appeal filed in that court “so that [he] may redirect  
17 his appeal to the Eastern District Court of Appeals.” *Id.* at 2. He further states that “at this time  
18 [he] wishes to exhaust his direct criminal appeal rights. [He] is not filing a writ of habeas corpus  
19 at this time but only wishes to exhaust his direct appeal.” Dckt. No. 7 at 2.

20 Petitioner is seeking to appeal the decision of the California Supreme Court to this court.  
21 As explained above, this court may not entertain a direct appeal from a state court decision. The  
22 action must therefore be dismissed.

23 Accordingly, it is hereby ORDERED that the Clerk randomly assign this case to a United  
24 States District Judge.

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1 Further, it is RECOMMENDED that:

- 2 1. This action be dismissed; and  
3 2. The Clerk be directed to close the case.

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, any party may file written  
7 objections with the court and serve a copy on all parties. Such a document should be captioned  
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
9 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: October 11, 2012.

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13 EDMUND F. BRENNAN  
14 UNITED STATES MAGISTRATE JUDGE  
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