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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NASHAYAH YASHARAH LA, et al.

Plaintiffs

v.

JENNIE PETTET, et al.,

Defendants.

No. 2:18-cv-2150-KJM-KJN PS

ORDER AND  
FINDINGS AND RECOMMENDATIONS

Plaintiffs Nashayah La and Amataza Al, proceeding without counsel, commenced this action and requested leave to proceed *in forma pauperis*. (ECF Nos. 1-3.) Plaintiffs, who claim to be members of the Moorish National Republic Federal Government, assert violation of their constitutional rights against various social workers, law enforcement officers, and a superior court judge who were purportedly involved in placing plaintiffs’ minor child in protective custody, resulting in approximately 20 different hearings in state court. They seek *inter alia* injunctive relief to restrain Yolo County Child Protective Services and law enforcement from interfering with their child.

A careful review of the complaint reveals that it would be inappropriate for a federal court to interfere in such a family law matter. See Coats v. Woods, 819 F.2d 236, 237 (9th Cir. 1987) (no abuse of discretion in district court’s abstention from hearing § 1983 claims arising from a

1 child custody dispute in state court). Family law disputes are domestic relations matters  
2 traditionally within the domain of the state courts, and it is appropriate for federal district courts  
3 to abstain from hearing such cases, which often involve continued judicial supervision by the  
4 state. Coats, 819 F.2d at 237. If plaintiff truly believes that the superior court judge’s orders  
5 were erroneous, the proper recourse is appeal of those orders in the state appellate courts, who are  
6 competent to hear arguments based on the federal constitution—not the filing of a new action in  
7 federal court.

8 Accordingly, IT IS HEREBY RECOMMENDED that:

- 9 1. The action be dismissed without prejudice.
- 10 2. Plaintiff’s motions to proceed *in forma pauperis* in this court (ECF Nos. 2, 3) be  
11 denied without prejudice as moot.
- 12 3. The Clerk of Court be directed to close this case.

13 In light of those recommendations, IT IS ALSO ORDERED that all pleading, discovery,  
14 and motion practice in this action are STAYED pending resolution of the findings and  
15 recommendations. With the exception of objections to the findings and recommendations, and  
16 non-frivolous motions for emergency relief, the court will not entertain or respond to any motions  
17 or filings until the findings and recommendations are resolved.

18 These findings and recommendations are submitted to the United States District Judge  
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)  
20 days after being served with these findings and recommendations, any party may file written  
21 objections with the court and serve a copy on all parties. Such a document should be captioned  
22 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
23 shall be served on all parties and filed with the court within fourteen (14) days after service of the  
24 objections. The parties are advised that failure to file objections within the specified time may  
25 waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th  
26 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

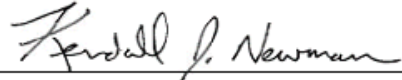
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IT IS SO ORDERED AND RECOMMENDED.

Dated: September 27, 2018



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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE