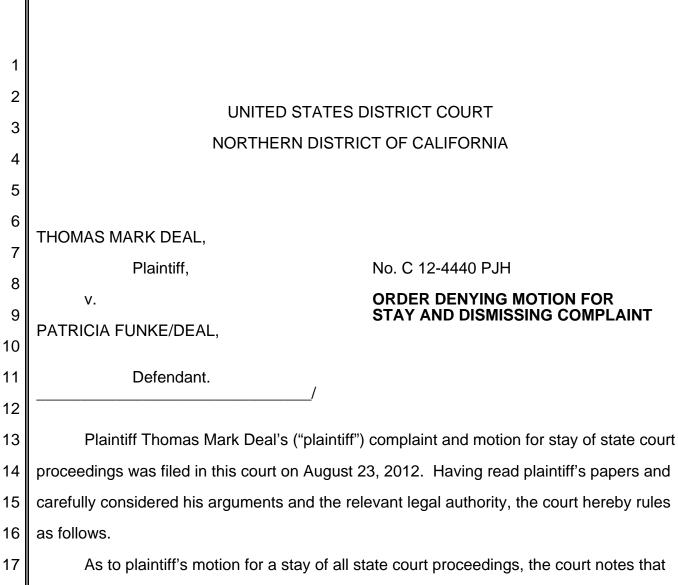
| Deal | v. | Deal | |
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United States District Court

For the Northern District of California



18 the Anti-Injunction Act constrains the ability of federal courts to stay state court actions. 19 See 28 U.S.C. § 2283 ("A court of the United States may not grant an injunction to stay 20 proceedings in a State court except as expressly authorized by Act of Congress, or where 21 necessary in aid of its jurisdiction, or to protect or effectuate its judgments."). The Act "is 22 an absolute prohibition against enjoining state court proceedings, unless the injunction falls 23 within one of [the] three specifically defined exceptions." Atlantic Coast Line Railroad 24 Company v. Brotherhood of Locomotive Engineers, 398 U.S. 281, 286 (1970). The three 25 exceptions are narrowly construed, and "doubts as to the propriety of a federal injunction 26 against a state court proceeding should be resolved in favor of permitting the state action to 27 proceed." Lou v. Belzberg, 834 F.2d 730, 739 (9th Cir. 1987).

28

The underlying state court proceeding here consists of action in which plaintiff was

ordered to pay child support, then convicted for failure to pay child support. Accordingly,
 none of the three exceptions would apply. Staying state court proceedings in a child
 support case is not expressly authorized by Congress, is not necessary to aid the state
 court's jurisdiction, nor would a stay protect or effectuate this court's judgments.

5 In addition, the court finds that the complaint, as currently pleaded, fails to provide a 6 basis for federal subject matter jurisdiction.¹ Plaintiff seeks relief that has already been 7 denied by a state court. Federal courts are not empowered to review errors allegedly 8 committed by state courts. See Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923); 9 D.C. Ct. App. v. Feldman, 460 U.S. 462, 482 (1983). Further, federal courts are required to 10 abstain from hearing a case if there is an ongoing state proceeding. See Younger v. 11 Harris, 401 U.S. 37, 40 (1971). While plaintiff makes brief reference to section 1983, he 12 does not identify the specific constitutional right that was violated nor the specific acts that 13 caused the alleged violation(s), nor does he allege that the constitutional violation was 14 caused by a state actor, as it appears that the defendant is his wife or ex-wife. Thus, it is 15 not clear from the complaint that the court has subject matter jurisdiction. Accordingly, the 16 court DISMISSES the complaint.

Although the court is of the opinion that repleading will not solve the deficiencies in
the complaint, the court will allow plaintiff an opportunity to file an amended complaint. For
that amended complaint to be successful, plaintiff must plead the status of any state court
proceedings, so that the court can determine whether absention or claim preclusion is
proper. The amended complaint shall set forth each cause of action in separate numbered
paragraphs citing the authority under which the cause of action is brought and the facts
supporting it, and identifying whether the only defendant named is a state actor.

Plaintiff must also specifically establish that this court has subject matter jurisdiction
to hear this case. Federal courts can only adjudicate cases which the Constitution or

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- ²⁷ Federal courts are empowered to assess subject matter jurisdiction, sua sponte, at any time. <u>Snell v. Cleveland</u>, 316 F.3d 822, 826 (9th Cir. 2002).

Congress authorize them to adjudicate: those cases involving diversity of citizenship (where the parties are from diverse states and the amount in controversy is at least \$75,000), or a federal question, or those cases to which the United States is a party. See, e.g., Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375 (1994). Federal courts are presumptively without jurisdiction over civil cases and the burden of establishing the contrary rests upon the party asserting jurisdiction. Id. at 377. If the amended complaint still fails to properly establish subject matter jurisdiction, the court has the power to dismiss the complaint sua sponte. See Fed. R. Civ. P. 12(h)(3). Any amended complaint must be filed no later than September 21, 2012.

10 If plaintiff fails to file an amended complaint by September 21, 2012, or if he files an
11 amended complaint not in accordance with the above instructions, the case will be
12 dismissed with prejudice.

IT IS SO ORDERED.

Dated: August 31, 2012

PHYLLIS J. HAMILTON United States District Judge

United States District Court For the Northern District of California