

E-Filed 12/15/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARINA F. FLORES,

Plaintiffs,

v.

THE COUNTY OF SANTA CLARA, a
municipality; THE DEPARTMENT OF
CHILDREN AND FAMILY SERVICES OF
SANTA CLARA COUNTY, a municipal entity;
Atty AVRIL VAZQUEZ, an individual; THUY
TRAN, an individual; JUDY PATRICK, an
individual; LESLIE SALMON, an individual;
TRICIA SULLIVAN, an individual; LORI
MEDINA, and individual; Atty MIGUEL
MARQUEZ, an individual; WILL
LIGHTBOURNE, an individual; RHODA
AUSTIN, an individual and DOES 1 TO 100,
Inclusive,

Defendants.

Case Number C 09-05836 JF (RS)

ORDER DENYING REQUEST FOR
EMERGENCY EX PARTE
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION

[re: docket no. 1]

Plaintiff seeks an emergency ex parte temporary restraining order and “order to show cause re preliminary injunction” to enjoin Defendants from transporting Plaintiff’s minor child (“P.”) to live with his father in New Mexico. On December 9, 2009, Judge Shawna Schwartz of

1 the Santa Clara Superior Court determined that it was “safe’ for P. to return to New Mexico
2 under his father’s care and supervision.” P. Mot. at 3. Plaintiff requests expressly that this Court
3 “review” the rulings of the state court. It is well-settled that federal district courts do not have
4 jurisdiction to review state court rulings. *District of Columbia Court of Appeals v. Feldman*, 460
5 U.S. 462, 482 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923). The *Rooker-*
6 *Feldman* doctrine bars “cases brought by state-court losers complaining of injuries caused by
7 state-court judgments rendered before the district court proceedings commenced and inviting
8 district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic*
9 *Industries Corp.*, 544 U.S. 280, 284 (2005). If Plaintiff wishes to contest the decision of the state
10 court, she must seek relief from the state court of appeal. Accordingly, the request for a
11 temporary restraining order and order to show cause will be denied.

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13 IT IS SO ORDERED.

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15 DATED: December 15 2009

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19 JEREMY FOCHEL
20 United States District Judge