

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

RAUSEL LINCOLN CHATFIELD,)	
)	
Plaintiff,)	Civil Action No. 5:11-cv-113-JMH
)	
v.)	
)	
)	
MASTER COMMISSIONER, FAYETTE)	MEMORANDUM OPINION AND ORDER
COUNTY,)	
)	
Defendant.)	

** ** ** ** **

On March 31, 2011, the Court entered a Memorandum Opinion and Order which, in part, required Plaintiff to in writing in the record of this matter why this matter should not be dismissed without prejudice, among other reasons, for his failure to file a complaint as required by Fed. R. Civ. P. 3. Plaintiff has since filed two documents: a "Memorandum in Support of Motion for Temporary Injunction" and a "Statement in Response to the Court's Order [of] March 31, 2011." [DE 5 and 6.] This matter is again before the Court for review of Plaintiff's most recent filings.

From a review of Plaintiff's late submitted Memorandum in Support of Motion for Temporary Injunction, the Court now understands that Plaintiff and his former wife, not a party to the present matter, are parties in a divorce action before the Fayette Circuit Family Court. The divorce action is subject to a final decree with the exception of a dispute over certain real property. The present matter is concerned with Plaintiff's disagreement with

a recent order entered by the Fayette Circuit Family Court which requires the execution of a deed to that real property by the Master Commissioner of the Fayette Circuit Court to Plaintiff's detriment. Plaintiff seeks relief from this Court only because he does not believe that the Fayette County Family Court can act expeditiously enough (with respect to its own order) to prevent the harm that Plaintiff fears.

In his written Response to the Court's order to show cause, Plaintiff states that he "is not deliberately attempting to raise any claim that later would be subject to appeal in this Action regarding constitutional merits as they may relate to the injunction. . ." Rather, he wishes to use his request for relief from this Court "as a tool to be used to allow him the only opportunity there exists which may enable him to exercise his right to due process in the family court." He has not, however, sought relief from the Fayette Circuit Family Court. He writes, as well, that he "do[es] not see why I should need to file a complaint against the Master Commissioner since I have no complaint against same."

In short, Plaintiff concedes that his case was not properly commenced before this Court, as Fed. R. Civ. P. 3 requires that "[a] civil action [be] commenced by filing a complaint with the court." Further, Plaintiff concedes that he has no cause of action against the Master Commissioner of the Fayette Circuit Court.

Rather, his real complaint is against his ex-wife, who is not a party to this lawsuit, and the relief he seeks is judicial review of a decision of the Fayette Family Circuit Court by this Court. This Court lacks jurisdiction to provide him this relief, and he has cited neither case law nor statutory authority that would provide to the contrary.

Accordingly, for all of the reasons set forth above, **IT IS ORDERED:**

(1) that this action is **DISMISSED WITHOUT PREJUDICE** for the reasons stated above; and

(2) that the Clerk shall **STRIKE** this matter from the active docket.

This the 4th day of April, 2011.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge