

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

DORY TURNIPSEED

CIVIL ACTION

VERSUS

No. 18-5187

APMT, LLC, d/b/a Tonti  
Management

SECTION: "J"(4)

ORDER

Before the Court is a *Motion for a Temporary Restraining Order and Preliminary Injunction (Rec. Doc. 11)* filed by Plaintiff, Dory Turnipseed. Plaintiff seeks a temporary restraining order and preliminary injunction halting a state eviction action by Defendant, Tonti Management. In short, Plaintiff argues she is substantially likely to succeed on the merits because her eviction is barred for violating the Fair Housing Act ("FHA"), 42 U.S.C. § 3604.

However, this Court does not reach the merits of her claim as it finds an injunction (or restraining order) barred by the Anti Injunction Act ("AIA"), 28 U.S.C. § 2283 (2018). The AIA prohibits this Court from granting "an injunction to stay proceedings in a State court *except* [1] as expressly authorized by Act of Congress, [2] or where necessary in aid of its jurisdiction, [3] or to protect or effectuate its judgments." *Id.* (emphasis added). Plaintiff can point to no Congressional authorization and no

judgment of this Court endangered by the state proceeding. Therefore, this Court may only interfere if it is necessary to aid its jurisdiction.

It is not necessary. Any decision rendered by the state court in the eviction proceeding would not destroy this Court's jurisdiction and Plaintiff is free to raise her FHA claim as a defense in state court. See *Sierra v. City of New York*, 528 F. Supp. 2d 465, 469 (S.D.N.Y. 2008). It is true that some courts have found that the AIA inapplicable where the federal proceedings are begun first, but the Fifth Circuit has made clear that in this jurisdiction it does not matter which courthouse is reached first. See *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 885 (5th Cir. 1993) ("[T]he Act applies regardless of when the federal and state suits were filed."). Therefore, **IT IS HEREBY ORDERED THAT THE MOTION IS DENIED.**

New Orleans, Louisiana this 13th day of June, 2018.



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CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE