

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELAINA THOMAS,

Plaintiff,

No. 23-10112

v.

Honorable Nancy G. Edmunds

STATE OF MICHIGAN, *et al.*,

Defendants.

_____ /

ORDER DISMISSING PLAINTIFF'S COMPLAINT

The matter is before the Court on its own review of Plaintiff Elaina Thomas' pro se complaint filed against the State of Michigan and Michigan's Department of Health and Human Services and Children's Protective Services. (ECF No. 1.) Plaintiff has also filed an application to proceed without prepaying fees or costs. (ECF No. 2.) Plaintiff appears to be challenging the termination of her parental rights and seeking the return of her children. This is not the first time Plaintiff has filed this type of complaint. (See, e.g., Case No. 14-mc-50840.) In fact, Plaintiff has a long history of filing lawsuits in this district, "all of which have been dismissed as frivolous and/or for lack of subject matter jurisdiction." See *Thomas v. Michigan*, No. 15-cv-11165, 2015 U.S. Dist. LEXIS 57323, at *1 (E.D. Mich. May 1, 2015) (listing cases). The Court similarly lacks jurisdiction over the present lawsuit.¹ See *Bodell v. McDonald*, 4 F. App'x 276, 279 (6th Cir. 2001) (the *Rooker-Feldman* doctrine bars a claim in federal court challenging the

¹ "[F]ederal courts have a duty to consider their subject matter jurisdiction in regard to every case and may raise the issue *sua sponte*." *Answers in Genesis of Ky., Inc. v. Creation Ministries Int'l, Ltd.*, 556 F.3d 459, 465 (6th Cir. 2009).

outcome of termination proceedings in state court). Moreover, Plaintiff is enjoined from filing any correspondence or pleadings in this Court without first obtaining permission from the Court and providing proof of that permission to the Clerk of the Court. See *Thomas v. Bailey*, No. 12-cv-14558, 2012 U.S. Dist. LEXIS 190920, at *3 (E.D. Mich. Nov. 7, 2012) (Friedman, J.). Plaintiff did not obtain permission to file her complaint. Thus, IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED. IT IS FURTHER ORDERED that Plaintiff's application to proceed without prepaying fees or costs is DENIED as moot.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 18, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 18, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager