

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|-------------------------------|---|--------------------|
| WILBER CEDRIC SAMUEL SOLOMON, |) | |
| CORNEL KINSLOW, and JAMES |) | |
| WINFIELD KINSLOW, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 4:15CV1725 RWS |
| |) | |
| JENNIFER ELIZABETH FRANCIS, |) | |
| RJK MANAGEMENT, LLC, and JAY |) | |
| BRAY, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

Plaintiffs seek leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983 for alleged constitutional violations arising from a state court judgment quieting title on real property. The motions to proceed in forma pauperis are granted. Additionally, after reviewing the complaint, the Court finds that subject matter jurisdiction is lacking.

Standard of Review

Under Rule 12(h)(3) of the Federal Rules of Civil Procedure, the Court is required to dismiss a complaint at any time if subject matter jurisdiction does not exist.

“Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” *Kessler v. Nat'l Enterprises, Inc.*, 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted); *see Kuhl v. Hampton*, 451 F.2d 340, 342 (8th Cir. 1971) (federal courts “were not established to mediate any and all types of complaints and alleged wrongs.”).

Discussion

This action arises out of a state court judgment to quiet title on property located at 8144 Washington Street, Saint Louis, 63114, *RJK Management, LLC v. Cornel Kinslow, et al.*, No. 15SL-CC03115 (St. Louis County). Plaintiffs were the defendants in that action. In its judgment dated November 9, 2015, the court ruled that “Plaintiff is the owner of the Property free and clear of any interest claimed by Defendants and title to the Property is quieted in Plaintiff.” *Id.*

Plaintiffs claim that on July 14, 2015, Cornel Kinslow quit claimed the property to the “Kinslow Family Private Trust,” which is alleged to be “a private irrevocable express trust under the Common Law, of the Missouri republic within the unincorporated republic of the United States of America.” They believe that, as a result of this transaction, the Kinslow Family Private Trust is the sole owner of the property. Plaintiff Wilbur Solomon declares himself to be “a Private American National of the United States of America, privately residing on Saint Louis County.” Plaintiffs insist that they “are legally disabled and the Constitutional Trust is not seen in a Roman Civil Martial Law venue.” Plaintiffs made the same arguments before the state court.

Regardless of the language used by the plaintiffs, what they are doing is seeking an appeal from a state court action. However, this Court does not have subject matter jurisdiction “over challenges to state court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court’s action was unconstitutional. Review of those decisions may be had only in [the United States Supreme Court].” *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486 (1983). As a result, this action is summarily dismissed.

Even if the Court were to have jurisdiction over plaintiff’s claims, it would still dismiss this case under 28 U.S.C. § 1915(e) as factually and legally frivolous.

Finally, the Court notes that this is not the first frivolous lawsuit filed by plaintiff Wilbur Solomon from a quiet title action. *See Solomon v. Fed. Nat'l Mort. Assoc., et al.*, No. 4:14CV1913 CDP (E.D. Mo.). Therefore, the Court dismisses this action with prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motions for leave to proceed in forma pauperis [ECF Nos. 3, 5, 7] are **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that plaintiffs' motion for a temporary restraining order [ECF No. 2] is **DENIED as moot**.

An Order of Dismissal will be filed separately.

Dated this 20th day of November, 2015.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE