Huot v. Montana State Department of Child and Family Services et al Doc. 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

SAFRON HUOT, Plaintiff, vs. MONTANA STATE DEPARTMENT OF CHILD AND FAMILY SERVICES; et al., Defendants.	**CV-17-45-BU-BMM-JCL** **ORDER ADOPTING FINDINGS AND RECOMMENDATIONS**

Plaintiff Safron Huot's complaint reflects that she seeks to challenge in this federal forum the termination of her parental rights by the courts of the state of Montana. (Doc. 9 at 1-2.) Ms. Huot's complaint indicates that she has filed an identical complaint in numerous Untied States District Courts throughout the country. *Id.*

All events giving rise to Ms. Huot's complaint occurred in the state of Montana, and, therefore, venue is proper in this District. 28 U.S.C. § 1391(b). Ms. Huot advances a claim under 42 U.S.C. § 1983 for injunctive and monetary relief. This claim invokes federal question jurisdiction under 28 U.S.C. § 1331. The Court

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must analyze whether it may assert federal question jurisdiction over Ms. Huot's claims.

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on September 5, 2017. (Doc. 9.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch found that Ms. Huot's claim stems from the underlying case terminating the parental rights to her twin children. The termination of Ms. Huot's parental rights are extensively detailed in two Montana Supreme Court decisions. (Doc. 9 at 3.) In this case, Ms. Huot names as defendants the Montana Department of Health and Human Services ("DPHHS"), the Montana Supreme Court, the Third Judicial District Court, District Judge Dayton, numerous attorneys who represented the DPHHS and Anaconda Deer Lodge County, and a variety of trial witnesses. *Id.* at 4.

Judge Lynch determined that this Court is precluded from exercising jurisdiction over Ms. Huot's claim by the "Rooker-Feldman doctrine." *Id.* The

Rooker-Feldman doctrine dictates that a federal district court does not have jurisdiction to review a state court judgment. Here, Ms. Huot is seeking to have this Court review the judgment of the Montana Supreme Court affirming the trial court's termination of her parental rights. Judge Lynch recommends that this action should be dismissed for lack of jurisdiction. *Id.* at 6. The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. The Court finds no error in Judge Lynch's Findings and Recommendations.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 9), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is dismissed for lack of jurisdiction.

DATED this 28th day of September, 2017.

Brian Morris
United States District Court Judge