

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

PETER P. MITRANO,

Plaintiff,

vs.

UNITED STATES OF AMERICA, and
KERI A. ADORISIO,

Defendants.

CV-16-13-GF-BMM

ORDER

The Court issued its Judgment in this case on February 7, 2017. (Doc. 28). The Court dismissed this action for lack of subject matter jurisdiction. (Docs. 27, 28). Plaintiff Peter Mitrano (Mitrano) has filed a motion for relief from judgment.

Rule 60 of the Federal Rules of Civil Procedure authorizes a district court to vacate a judgment based upon a showing of: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b). Mitrano argues that the Judgment entered by the Court on February 7, 2017, should be set aside because the Court erred when it determined that the *Rooker-Feldman* doctrine barred his claim for declaratory relief.

Mitrano's claim for declaratory relief requested that the Court declare a child custody order issued by the Lebanon Family Court in Lebanon, New Hampshire void as a matter of law. The *Rooker-Feldman* doctrine "prohibits a federal district court from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment." *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004). The Court did not err when it dismissed Mitrano's claim for declaratory relief.

Accordingly, IT IS ORDERED:

Mitrano's Motion for Relief from Judgment (Doc. 29) is DENIED.

DATED this 4th day of April, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge