

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GREGG M. NELSON, pro se, )  
)  
Plaintiff, )  
)  
v. )  
)  
CARSON VALLEY UNITED )  
METHODIST CHURCH, a Nevada )  
non-Profit Corporation, DOES 1-5, )  
Inclusive, and ROE COMPANIES 1- )  
3, Inclusive, )  
)  
Defendants. )

4:13CV3113

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. I have reviewed the record in this matter and find that it is incomplete. In particular, Defendants have filed an Affidavit from Michael Millward that discusses a “Judgment by Default” entered by the Ninth Judicial District Court of the State of Nevada. (Filing No. [5-2](#) at CM/ECF p. 2.) Defendant labeled the “Judgment by Default” as “Exhibit 1” and indicated that it is attached to the Affidavit. (*Id.*) However, “Exhibit 1” does not appear to be attached to the Affidavit, nor is it included elsewhere in the record.

Moreover, Defendants’ discussion of a state-court default judgment raises concerns regarding the *Rooker-Feldman* doctrine, which prevents lower federal courts from exercising appellate review of state court judgments. [Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 \(1923\)](#); [District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 \(1983\)](#). Accordingly,

IT IS ORDERED:

1. By October 23, 2013, Defendants are directed to supplement the record with the “Judgement by Default” discussed in Michael Millward’s Affidavit. Further,

Defendants are directed to file a supplemental brief addressing the application of the *Rooker-Feldman* doctrine to this matter.

2. Defendants' failure to supplement the record in accordance with this Memorandum and Order may result in the denial of their Motion to Dismiss.

3. If Defendants file a supplemental brief, Plaintiff may file a response within 14 days of such filing.

DATED this 24<sup>th</sup> day of September, 2013.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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