

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SAFRON HUOT,)	8:17CV258
)	
Plaintiff,)	
)	MEMORANDUM
v.)	AND ORDER
)	
MONTANA STATE DEPARTMENT OF)	
CHILD AND FAMILY SERVICES;)	
MONTANA SUPREME COURT;)	
DEER LODGE COUNTY DISTRICT)	
COURT OF MONTANA; RAY DAYTON,)	
Judge; CAL BOYAL; CINDY JOHNSON;)	
DEER LODGE MEDICAL CENTER;)	
WAYNE R. MARTIN, M.D.; SUSANNE M.)	
CLAGUE; BEN KRAKOWKA; SUSAN)	
DAY, PH.D.; DAVE FENCHAK; MARY JO)	
FORTNER; and ROGER FORTNER,)	
)	
Defendants.)	
)	

This matter is before the court for review of Plaintiff’s Complaint (Filing No. [1](#)) and Motion for Leave to Proceed In Forma Pauperis (Filing No. [2](#)).¹ See [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). Plaintiff has filed numerous identical actions across the country. See [Huot v. Montana State Dep’t of Child & Family Serv, et al, No. 2:17-CV-253, 2017 WL 3172720 \(S.D. Tex. July 24, 2017\)](#) (PACER search showed 33 identical federal lawsuits filed in July 2017). For the reasons stated in that decision, the court finds Plaintiff’s action should be dismissed. The court lacks subject matter jurisdiction because no legitimate federal question is presented and diversity of citizenship does

¹ Plaintiff has also filed a Motion for Appointed Counsel (Filing No. [5](#)) and a Motion to Set Aside Adoption & Reinstate Full Parental Rights (Filing No. [6](#)).

not exist; in addition, venue is improper. See [Huot v. Montana State Dep't of Child & Family Svs.](#), No. 3:16-CV-01767, 2016 WL 4770040 (D. Or. Sept. 13, 2016) (dismissing Plaintiff's action for lack of subject matter jurisdiction and improper venue); [Huot, v. Montana State Dep't of Child & Family Servs., et. al.](#), No. 1:17-CV-140, 2017 WL 3228121 (D.N.D. July 31, 2017) (same); see also [Huot v. Montana State Dep't of Child & Family Svs.](#), No. 5:17-CV-298, 2017 WL 3103793 (E.D. Ky. July 21, 2017) (dismissing Plaintiff's action as barred by res judicata doctrine, based on Oregon decision). Accordingly,

IT IS ORDERED:

1. This action is dismissed without prejudice for lack of subject matter jurisdiction.
2. Plaintiff's motion to proceed in forma pauperis (Filing No. [2](#)), motion for appointment of counsel (Filing No. [5](#)), and motion to set aside adoption, etc. (Filing No. [6](#)) are denied without prejudice, as moot.
3. Judgment will be entered by separate document.

DATED this 15th day of August, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge