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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 JONATHAN GREGORY EDWIN JAITE,

No. 4:16-cv-05076-SAB

10 Plaintiff,

11 v.

ORDER DISMISSING CASE

12 BENTON COUNTY OFFICIALS,

13 Defendants.
14

15 Before the Court is Plaintiff Jonathan Gregory Edwin Jaite's complaint,
16 ECF No. 1. Plaintiff alleges that multiple Benton County officials have conspired
17 with Lisa Rhoten to deprive him of the third-party custody of four children.
18 Magistrate Judge John T. Rodgers allowed Plaintiff to proceed in forma pauperis.
19 However, the complaint has not been served to Defendants, because under 28
20 U.S.C. § 1915(e)(2)(B)(ii), when a plaintiff is allowed to proceed in forma
21 pauperis, the Court reviews the complaint and "shall dismiss the case" if the
22 action fails to state a claim on which relief may be granted. Because Plaintiff seeks
23 relief this Court cannot grant, the case is **dismissed**.

24 Federal courts are an improper venue for determining family and domestic
25 relations issues. Rather, state courts have a uniform history of determining family
26 law issues, and well-established policy prevents federal courts from exercising
27 jurisdiction over those issues. See Peterson v. Babbitt, 708 F.2d 465, 466 (9th Cir.
28 1983) (per curiam) (decisions regarding the welfare of children have been

ORDER DISMISSING CASE ^ 1

1 traditionally left to the state and to the state courts). “[T]he whole subject of the
2 domestic relations of husband and wife, parent and child, belongs to the laws of
3 the States, and not to the laws of the United States.” *Ohio ex rel. Popovici v.*
4 *Agler*, 280 U.S. 379, 383 (1930) (quoting *In re Burrus*, 136 U.S. 586, 593-94
5 (1890)).

6 Thus, federal district courts must decline jurisdiction of cases concerning
7 domestic relations “when the primary issue concerns the status of parent and child
8” *Buechold v. Ortiz*, 401 F.2d 371, 372 (9th Cir. 1968). Here, Plaintiff’s
9 complaint is suffused with argument and case law indicating that he seeks to undo
10 a state court’s decision regarding his custody rights of the children in question.
11 Plaintiff contends that the state court failed to apply the proper standard of review,
12 and seeks “the immediate return of [his] children” as relief. ECF No. 1 at 15. The
13 complaint largely consists of argument regarding alleged mistakes of a state court
14 in determining his parental rights. This indicates that the primary issue of the case
15 is the custody of the children and thus the child-parent relationship.

16 Plaintiff does mention that he believes his constitutional rights have been
17 violated, and seeks the award of financial relief. *Id.* Such violations can provide
18 monetary damages. But a review of the complaint indicates these claims are
19 ancillary and secondary to the custody issue. Further, “federal courts traditionally
20 decline to exercise jurisdiction in domestic relations cases when the core issue
21 involves the status of parent and child,” even when constitutional claims are
22 asserted. *Coats v. Woods*, 819 F.2d 236, 237 (9th Cir. 1987), cert. denied, 484
23 U.S. 802.

24 Given the above, the Court concludes that the primary issue in this case is
25 Plaintiff’s custody over the children in question. The Court must abstain from
26 deciding issues which fall within state jurisdiction. And because the issue forms
27 the core of Plaintiff’s complaint, ancillary claims of constitutional violations will
28 not be heard as well. Since there is no claim which this Court can grant relief for,

1 the case fails to present legal sufficiency under 28 U.S.C. § 1915(e)(2)(B)(ii), and
2 must be dismissed.

3 Accordingly, **IT IS HEREBY ORDERED** that:

4 1. The complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may
5 file an amended complaint by **February 13, 2017**.

6 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
7 forward copies to counsel and to pro se Plaintiff, and **CLOSE THE CASE**.

8 **DATED** this 10th day of January, 2017.



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14 Stanley A. Bastian
15 United States District Judge
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