

1 UNITED STATES DISTRICT COURT

2 for the

3 Western District of Wisconsin

4 Civil Division

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6
7 MICHELLE R GILBANK, et al.,

Case No.: 20-cv-601-jdp

8 Plaintiffs,

9 vs.

NOTICE OF APPEAL

10 WOOD COUNTY DHS, et al.,

11 Defendants.

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15 Michelle R Gilbank, plaintiff, appeals to the United States Court of Appeals for the Seventh
16 Circuit from the final judgement entered on December 10th, 2021; and from all previous rulings
17 in this action. Plaintiff is entitled to redress due to Constitutional violations of which she
18 suffered injury. Plaintiff’s custody of her child and security in her home were violated without
19 warrant. “Government officials are required to obtain prior judicial authorization before
20 intruding on a parent’s custody of his or her child unless they possess information at the time of
21 the seizure that establishes ‘reasonable cause to believe that the child is in imminent danger of
22 serious bodily injury and that the scope of the intrusion is reasonably necessary to avert that
23 specific injury.’” (*Mabe v. San Bernardino County DPSS*, 2001, 9th Cir., 237 F.3d 1101)

1 Plaintiff's federal claims are not inextricably intertwined with a state-court judgment because the
2 defendants' challenged conduct—warrantless interference in child custody, warrantless removal
3 from her home, and providing false and misleading testimony—occurred before any judicial
4 involvement. The complaint alleges, at most, “an independent prior injury that the state court
5 failed to remedy” and not an injury “caused by the state court judgment.” (*Sykes*, 837 F.3d at
6 742). Her federal claims could exist even without any state-court judgment. And for that reason,
7 the “the injur[ies] complained of by [Plaintiff can] be separated from [the] state court judgment.”
8 (*Jakupovic*, 850 F.3d at 903 (quoting *Sykes*, 837 F.3d at 742)). The Rooker-Feldman doctrine
9 accordingly does not apply, and federal courts may exercise jurisdiction over Plaintiff's case.
10 (*Andrade v. City of Hammond*, 7th Circuit Court of Appeals, No. 20-1541)

11 The issues at hand were refused to be heard in the Plaintiff's juvenile county case, and the
12 Defendants have not been defendants in any prior state action related to the Plaintiff.

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14 Dated: January 9, 2022

Respectfully submitted,

15
16 *Michelle R Gilbank*

17 Michelle R Gilbank
18 Email: michellegilbank@gmail.com
19 Plaintiff / Appellant
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 9th, 2022, the foregoing document was filed with
3 the Clerk of Court via the CM/ECF system, causing it to be served on
4 Defendants' counsels of record.

5
6 *Michelle R Gilbank*

7 Michelle R Gilbank
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9 Plaintiff / Appellant
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