Patil v. Clark

2016 | Cited 0 times | N.D. California | May 9, 2016

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 United States District Court

Northern District of California

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

TRUPTI PATIL,

Plaintiff, v. L. MICHAEL CLARK, et al.,

Defendants.

Case No. 5:16-cv-01238-HRL

ORDER FOR REASSIGNMENT TO A DISTRICT JUDGE REPORT AND RECOMMENDATION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Plaintiff Trupti Patil initiated this action by filing a pleading concerning a family law matter apparently pending in state court and seeking the recusal of a state court judge. Having reviewed the allegations, this court concludes that plaintiff fails to assert any facts establishing federal subject matter jurisdiction. 1

Federal courts are of limited jurisdiction, and a lack of jurisdiction is presumed unless the party asserting jurisdiction establishes that it exists. Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 377 (1994); Stock West, Inc. v. Confederated Tribes, 873 F.2d 1221, 1225 (9th Cir. 1989). -matter jurisdiction, the

1 -file (Dkt. 2) and John motion to dismiss (Dkt. 13) are deemed moot.

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Patil complains of adverse rulings made in connection with child custody proceedings and claims that the state court judge was biased. She requests that all orders issued by that judge be

36). However, under the Rooker-Feldman 2

doctrine, federal courts lack jurisdiction to review the final determinations of a state court in judicial proceedings. Noel v. Hall, 341 F.3d 1148, 1154 (9th Cir. 2003). Moreover, the domestic relations exception to federal subject matter jurisdiction

Ankenbrandt v. Richards, 504 U.S. 689, 703, 112 S. Ct. 2206, 119 L.Ed.2d 468 (1992). Accordingly, the undersigned concludes that there is no federal subject matter jurisdiction and that this case should be dismissed.

Because not all parties have consented ORDERS the Clerk of the Court to reassign this case to a District Judge. The undersigned further RECOMMENDS that the newly assigned judge dismiss this case for lack of federal subject matter jurisdiction. Any party may serve and file objections to this Report and Recommendation within fourteen days after being served. Fed. R. Civ. P. 72.

SO ORDERED. Dated: May 9, 2016

HOWARD R. LLOYD United States Magistrate Judge

2 Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Ct. of Appeals v. Feldman, 460 U.S. 462 (1983).

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5:16-cv-01238-HRL Notice has been electronically mailed to: Aimee Nicole Logan aimee.logan@cco.sccgov.org, cathy.grijalva@cco.sccgov.org

5:16-cv-01238-HRL Notice sent by U.S. Mail to: Trupti Patil 911 Visconti Place Santa Clara, CA 95050-5260 Trupti Patil c/o Bob Dhillon 2706 Peachwood Court San Jose, CA 95132