

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARROL DOMAN and JAMES DUBE	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 99-6543
STATE OF PENNSYLVANIA	:	
DEPARTMENT OF PUBLIC WELFARE;	:	
CITY OF PHILADELPHIA DEPARTMENT	:	
OF HUMAN SERVICES; MICHAEL RICE	:	
and ELIZABETH LITVIN	:	
	:	
Defendants.	:	

MEMORANDUM

BUCKWALTER, J.

March 7, 2000

Presently before the Court is the Plaintiff's Motion for Injunctive Relief. For the reasons given below, the Motion is Denied.

I. DISCUSSION

Plaintiffs Carrol Doman and James Dube ("Plaintiffs") seek a stay of dependency proceedings pending in the Court of Common Pleas, Philadelphia County. They also seek a lifting of several restraining/stay away orders that have been placed on them.

The Rooker-Feldman doctrine provides that "federal district courts lack subject matter jurisdiction to review final adjudications of a state's highest court or to evaluate constitutional claims that are 'inextricably intertwined with the state court's [decision] in a

judicial proceeding.' " Blake v. Papadakos, 953 F.2d 68, 71 (3d Cir.1992). A claim is 'inextricably intertwined' if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it, or in other words, if the requested relief in the federal suit would effectively reverse the state decision or otherwise void its ruling. See Villela v. City of Philadelphia, 1999 U.S. Dist. LEXIS 19843 at *7. The Third Circuit has interpreted the doctrine to encompass final decisions of lower state courts. Port Auth. Police Benev. Ass'n v. Port Auth., 973 F.2d 169, 178 (3d Cir.1992). When a plaintiff seeks to litigate a claim in a federal court, the existence of a state court judgment in another case bars the federal proceeding under Rooker-Feldman only when entertaining the federal court claim would be the equivalent of an appellate review of that order. See FOCUS v. Allegheny County Court of Common Pleas, 75 F.3d 834, 840 (3d Cir. 1996).

The injunctive relief requested by the Plaintiff is not available from this Court. In order to lift restraining orders placed by the Court of Common Pleas or to stay dependency proceedings, this Court would be required to void orders made by the state court. The Court would then be performing an appellate function which it is not authorized to do under the Rooker-Feldman doctrine. Therefore, Plaintiff's Motion is Denied.

An appropriate Order follows.

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OF HUMAN SERVICES; MICHAEL RICE	:	
and ELIZABETH LITVIN	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 7th day of March, 2000, upon consideration of Plaintiffs' Motion for Injunctive Relief (Docket No. 10), and the Defendants' Response thereto (Docket No. 16), it is hereby **ORDERED** that Plaintiffs' Motion is **DENIED**.

BY THE COURT:

RONALD L. BUCKWALTER, J.