UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JARED W. KING	:	
Plaintiff	:	
	:	CIVIL ACTION NO.
v.	:	3-03-cv-1994 (JCH)
	:	
STATE OF CONNECTICUT	:	
APPELLATE COURT	:	FEBRUARY 7, 2005
Defendant	:	

RULING RE: MOTION FOR RECONSIDERATION [DKT. NO. 34]

I. INTRODUCTION

The plaintiff, Jared W. King ("King"), filed this action, pro se, on November 20, 2003, against the State of Connecticut Appellate Court ("State Appellate Court") [Dkt. No. 1]. King alleges that dismissal by the State Appellate Court of his appeal of a state court criminal conviction violated his rights secured by the United States Constitution. Amd. Compl. [Dkt. No. 4]. More specifically, King alleges that the State Appellate Court's dismissal of his appeal violated his due process and equal protection rights, constituted cruel and unusual punishment, and violated his right to "compulsory process" under the Sixth Amendment. He requests injunctive relief in the form of "re-instatement of CR94-97866, AC 18728 to the Appellate court docket," as well as several orders regarding the management of the case upon such reinstatement. Finally, he requests fees and costs and punitive damages "associated with 28 U.S.C. 1983."

Defendant State Appellate Court filed a Motion to Dismiss all claims against it [Dkt. No. 14] on the ground that the court lacks jurisdiction to hear the matter. The

court granted that motion on August 17, 2004. Ruling Re: Motion to Dismiss [Dkt. No. 32]. Judgment was entered in favor of the defendants on August 23, 2004. [Dkt. No. 33]. The plaintiff filed the instant Motion for Reconsideration on August 27, 2004. [Dkt. No. 34].

II. ALLEGED FACTS

King alleges the following facts in his amended complaint [Dkt. No. 4], which facts the court accepted as true solely for the purpose of the motion to dismiss.

The gravamen of the complaint is that, on September 13, 2000, the Connecticut Appellate Court erroneously dismissed King's appeal of a Connecticut State criminal case, Connecticut Appellate Court docket no. AC18728. The reason for the dismissal was the plaintiff's failure to provide the Appellate Court with a written acknowledgment of his transcript order as required by section 63-8(b) of the Connecticut Rules of Appellate Procedure.[1] Plaintiff, however, was unable to comply with section 63-8(b) because he never received such an acknowledgment from the court reporter. The court reporter had refused to provide the acknowledgment until she was guaranteed payment. She refused notwithstanding her receipt of a letter from the state public defender's office indicating that it would assume the costs of the transcript.

King moved to vacate the Appellate Court's dismissal of his appeal, which the

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[1] In pertinent part, section 63-8(b) provides:

> A party must make satisfactory arrangements for payment of the costs of the transcript. . . After those arrangements have been made, the official court reporter shall send the party who ordered the transcript a written acknowledgment of the order. . . The ordering party shall file it forthwith with the appellate clerk. . . .

court denied. King subsequently petitioned the Connecticut Supreme Court for certification of the appeal. On January 25, 2001, the Connecticut Supreme Court denied the petition. On or around June 27, 2003, King filed a motion with the Supreme Court to reopen, which the court denied. On July 21, 2003, King filed a motion with the Connecticut Supreme Court for permission to reopen, which the court denied on September 9, 2003. This instant action was commenced by complaint filed on November 20, 2003.

III. DISCUSSION

A. Standard of Review

The Second Circuit has held that "[t]he standard for granting [a motion for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked--matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir.1995) (citations omitted). There are three grounds that justify granting a motion for reconsideration: (1) an intervening change in controlling law; (2) the availability of newly discovered evidence; and (3) the need to correct clear error or prevent manifest injustice. Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir.1992). That the court overlooked controlling law or material facts may also entitle a party to succeed on a motion to reconsider. Eisemann v. Greene, 204 F.3d 393, 395 n. 2 (2d Cir.2000) (per curiam) ("To be entitled to reargument, a party must demonstrate that the Court overlooked controlling decisions or factual matters that were put before it on the

underlying motion.") (internal quotation marks omitted). In the instant case, King does not point to intervening changes in the law or any newly available evidence. Instead, he argues that the court overlooked various facts and points of law. Mot. for Reconsideration of Decision Granting Mot. to Dismiss [Dkt. No. 34].

B. Facts Alleged to Have Been Overlooked by the Court

King first argues that the court overlooked four facts put before it on the original Motion to Dismiss. The first of these -- "the importance of the plaintiff, the state criminal defendant, both having been judicially determined to be indigent at the time of his [transcript] request", [Dkt. No. 34] -- is irrelevant to the question of whether this court has jurisdiction over the plaintiff's claim. The other three facts alleged to have been overlooked are similarly irrelevant. In its August 17 Ruling, the court found that the plaintiff's claims were barred by the Rooker-Feldman doctrine, see District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983) and Rooker v. Fidelity Tust Co., 263 U.S. 413 (1923), because they arise out of, and are inextricable intertwined with, a decision by the Connecticut Appellate Court. That the parties before the Connecticut Appellate Court were the plaintiff, then a criminal defendant, and the State of Connecticut is irrelevant. Application of the Rooker-Feldman doctrine is not limited to instances where the parties before the lower federal court asked to review a state court decision are identical to those previously before that state court. See, e.g., Moccio v. N.Y. State Office of Court Admin., 95 F.3d 195 (2d Cir. 1996).

King also claims that the Rooker-Feldman doctrine does not apply because he did not have an opportunity to litigate his claims in the state court. He had available to

him, however, the opportunity to appeal the Appellate Court's dismissal of his case. Having failed to obtain the right to appeal to the Connecticut Supreme Court, he cannot now "appeal" the Appellate Court's ruling to this lower federal court. With regard to King's last allegation that this court overlooked the fact that "the claims are not the precise claims raised in a state court proceeding" [Dkt. No. 34], the court refers the plaintiff to its original ruling, in which it concluded that to reach the merits of plaintiff's claims would be to "embroil this court in evaluating" the correctness of actions taken by the Connecticut Appellate Court. Ruling Re: Motion to Dismiss [Dkt. No. 14] at 6.

C. Points of Law Alleged to Have Been Overlooked by the Court

While King's discussion of matters of federal jurisdiction is at times astute, he points to no changes in the law or issues of law overlooked by the court in its original ruling. "A motion for reconsideration should not serve as a vehicle for relitigating issues already decided." Metropolitan Entertainment Co., 25 F.Supp.2d at 368 (D.Conn. 1998) (citing Shrader, 70 F.3d at 257; Dodge v. Susquehanna Univ., 796 F.Supp.829, 830 (M.D.Pa. 1992)). There is no doubt that the Rooker-Feldman doctrine has survived significant statutory limitations on the availability of Supreme Court review of state supreme court decisions. See Hartford Courant Co. v. Pellegrino, 380 F.3d 83 (2d. Cir. 2004); Vargas v. City of N.Y., 377 F.3d 200 (2d Cir. 2004). In addition, contrary to King's assertions, there is no right to review of one's claims in a lower federal court. Furthermore, the contours of judicial immunity were not overlooked but, on the contrary, were considered and applied in that ruling. Ruling Re: Motion to Dismiss [Dkt. No. 24] at 6-7.

IV. CONCLUSION

For the foregoing reasons, the court DENIES the plaintiff's motion for reconsideration [Dkt. No. 34].

SO ORDERED.

Dated at Bridgeport, Connecticut, this 7th day of February, 2005.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge