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	:	AUGUST 17, 2004
Defendant	:	

RULING RE: MOTION TO DISMISS [DKT. NO. 14]

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 on February 9, 2004 [Dkt. No. 14] on the grounds that the court lacks jurisdiction to hear the

matter. For the reasons that follow, the court agrees with defendant and grants the motion.

II. ALLEGED FACTS

King alleges the following facts in his amended complaint [Dkt. No. 4], which facts the court accepts as true solely for the purpose of this 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 acknowledge from the court reporter. Specifically, the court reporter refused to provide the acknowledgment until she was guaranteed payment. Moreover, 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 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

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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. 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 court notes that, in considering a motion to dismiss a complaint filed by a pro se plaintiff, the court "must construe pro se pleadings broadly, and interpret them 'to raise the strongest arguments they suggest.'" Cruz v. Gomez, 202 F.3d 593, 597 (2d Cir. 2000) (quoting Graham v. Henderson, 89 F.3d 75, 79 (2d Cir. 1996)). "Given the Federal Rules' simplified standard for pleading, '[a] court may dismiss a complaint only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.'" Swierkiewicz v. Sorema, 534 U.S. 506, 514 (2002) (quoting Hishon v. King & Spalding, 467 U.S. 69, 73 (1984)). Accordingly, a court is bound to accept as true all factual allegations in the complaint and draw all inferences from those allegations in the light most favorable to the plaintiff. See, e.g., Scheuer v. Rhodes, 416 U.S. 232, 236 (1974). This is so even if the plaintiff is unlikely ultimately to prevail. "Indeed it may appear on the face of the pleading that a recovery is very remote and unlikely but that is not the test." Branham v. Meachum, 77 F.3d 626, 628 (2d Cir. 1996) (quoting Gant v. Wallingford Bd. of Educ., 69 F.3d 6691 673 (2d Cir. 1995) (internal quotation marks omitted)).

In considering such a motion, the court must accept the factual allegations alleged in the complaint as true and all inferences must be drawn in the plaintiff's favor. Scheuer v.

Rhodes, 416 U.S. 232, 236 (1974), overruled on other grounds, Davis v. Scherer, 468 U.S. 183 (1984). However, "bald assertions and conclusions of law will not suffice to state a claim . . . ." Tarshis v. Riese Org., 211 F.3d 30, 35 (2d Cir. 2000) (citations omitted).

B. The Proper Parties to Instant Suit

As an initial matter, the court notes that, in his original complaint, King names only the State of Connecticut Appellate Court as the defendant. He subsequently amended, adding the parenthetical notation "Official Capacity" after defendant's name. The propriety of bringing suit against the Appellate Court as opposed to the individuals who comprise the court is the subject of competing letter briefs filed by the parties following the initial briefing. King evidently believes that, by naming the court in its official capacity, he has properly brought suit against the individual judges of the State Appellate Court. See Mem. in Opposition, p. 19 ("I am alleging in the complaint that the Connecticut Appellate Court judge's actions or, perhaps more accurately, inaction, violated my constitutional rights.") However, the court need not decide the question since the action is barred, in the first instance, by the Rooker-Feldman doctrine, see generally District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983) and Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923), and, in the second instance, by the doctrine of judicial immunity. See, e.g., Stump v. Sparkman, 435 U.S. 349, 355-56 (1978).

C. Claims Are Barred by the Rooker-Feldman Doctrine

King asserts various claims under the federal constitution all of which arise out of, and are inextricably intertwined with, a decision by the Connecticut Appellate Court. All

such claims are barred by the Rooker-Feldman doctrine.

"The Rooker-Feldman doctrine provides that the lower federal courts lack subject matter jurisdiction over a case if the exercise of jurisdiction over that case would result in the reversal or modification of a state court judgment." Hachamovitch v. DeBuono, 159 F.3d 687, 693 (2d Cir. 1998). "Rooker-Feldman applies not only to decisions of the highest state courts, but also to decisions of lower state courts." Ashton v. Cafero, 920 F. Supp. 35, 37 (D. Conn. 1996). The doctrine "holds that, among federal courts, only the Supreme Court has subject matter jurisdiction to review state court judgments." Johnson v. Smithsonian Inst., 189 F.3d 180, 185 (2d Cir. 1999) (citations omitted). Thus, the Rooker-Feldman doctrine plainly bars an action "if the precise claims raised in a state court proceeding are raised in the subsequent federal proceeding." Moccio v. N.Y. State Office of Court Admin., 95 F.3d 195, 198-99 (2d Cir. 1996).

Further, the doctrine "bars federal courts from considering claims that are 'inextricably intertwined' with a prior state court determination." Johnson, 189 F.3d at 185 (citations omitted). In the Rooker-Feldman doctrine, "the Supreme Court's use of 'inextricably intertwined' means, at a minimum, that where a federal plaintiff had an opportunity to litigate a claim in a state proceeding (as either the plaintiff or defendant in that proceeding), subsequent litigation of the claim will be barred under the Rooker-Feldman doctrine if it would be barred under the principles of preclusion." Moccio,

95 F.3d at 199-200 (citations omitted).[2]

Here, the plaintiff asks this court to order the Connecticut Appellate Court to reinstate an appeal which it had dismissed, an action which the Connecticut Supreme Court had refused to consider and which King never appealed to the United States Supreme Court. To do so would embroil this court in evaluating on the correctness of actions taken by the Connecticut Appellate Court in King's individual state case and, in effect, to decide whether to reverse or vacate that decision as if sitting as a state court of appeal. This is precisely what the Rooker-Feldman doctrine forbids federal courts from doing. See Hachamovitch, 159 F.3d at 694; Gentner v. Shulman, 55 F.3d 87, 88-89 (2d Cir. 1995). Furthermore, plaintiff's requested declaratory relief, to the extent that he seeks for this court to review and declare invalid the lower state court's orders, also asks this court to take precisely the sort of action that Rooker-Feldman is designed to prohibit. See Johnson, 189 F.3d at 185.

Assuming arguendo that the individual judges of the State Appellate Court were adequately named as defendants, the text of section 1983 limits the availability of prospective injunctive relief against those individuals insofar as they are state judicial officers. Montero, 171 F.3d at 761. "The 1996 amendments to § 1983 provide that 'in any action brought against a judicial officer for an act or omission taken in such officer's judicial

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[2] "However, a district court may lack subject matter jurisdiction under the Rooker-Feldman doctrine even when that court would not be precluded, under res judicata or collateral estoppel principles, by a prior state judgment." Doctor's Assocs., Inc. v. Distajo, 107 F.3d 126, 138 (2d Cir. 1997).

capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.'" Id. (citation omitted). King "however, alleges neither the violation of a declaratory decree, nor the unavailability of declaratory relief," and, as such his "claim for injunctive relief is . . . barred under § 1983." Id. Thus, the court concludes that the individual judges of the State Appellate Court may not be subjected to prospective injunctive relief because King's claims rely upon actions allegedly taken in these defendants' judicial capacities, and the plaintiff alleges neither the violation of a declaratory decree nor the unavailability of declaratory relief. See 42 U.S.C. § 1983.

Finally, to the extent King is seeking monetary damages against the individual judges of the State Appellate Court, the court holds that such claims are barred by the doctrine of judicial immunity. See, e.g., Stump, 435 U.S. at 355-56. Indeed, it is "well established that officials acting in a judicial capacity are entitled to absolute immunity against § 1983 actions, and this immunity acts as a complete shield to claims for money damages." Montero v. Travis, 171 F.3d 757, 760 (1999).

The court therefore has no subject matter jurisdiction over the plaintiff's claims for injunctive and declaratory relief or monetary damages. As such, these claims are dismissed.

IV. CONCLUSION

For the foregoing reasons, the court GRANTS the defendant's motion to dismiss [Dkt. No. 14].

SO ORDERED.

Dated at Bridgeport, Connecticut, this 17th day of August, 2004.

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