

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Strawn v. Sonneveld

No. 2:25-cv-01809-DAD-DMC (E.D. Cal. July 1, 2025) · No. 2:25-cv-01809-DAD-DMC · Decided July 2,
2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MELISSA ANNE STRAWN, No. 2:25-cv-01809-DAD-DMC (PS) 12
Plaintiff, 13 v. ORDER DENYING PLAINTIFF’S EX PARTE MOTION FOR A TEMPORARY
14 JORD SONNEVELD, RESTRAINING ORDER 15 Defendant. (Doc. No. 3) 16 17 18 This
matter is before the court on an ex parte motion for a temporary restraining order 19 filed on June
28, 2025 by plaintiff Melissa Anne Strawn, proceeding pro se.

(Doc. No. 3.) For 20 the reasons explained below, plaintiff’s motion for a temporary restraining
order will be denied. 21 BACKGROUND 22 On June 28, 2025, plaintiff filed her complaint
against defendant Jord Sonneveld. (Doc. 23 No. 1.)

In her complaint, plaintiff alleges as follows. 24 On June 18, 2025, a King County, Washington
state court entered final orders in a 25 dissolution and custody action granting defendant
Sonneveld, who had brought that action, sole 26 custody of plaintiff’s three minor children and
directing the immediate forced sale of plaintiff’s 27 California residence. (Id. at ¶ 2.)

These orders were entered without plaintiff’s participation in 28 those proceedings, apparently
including a trial, despite the fact that plaintiff was medically 1 incapacitated and had submitted
multiple requests for continuances supported by evidence. (Id.) 2 Defendant Sonneveld’s counsel
convinced the state trial court that plaintiff was “faking” her 3 medical incapacity.

(Id.) Defendant obtained the state court final orders through his counsel’s 4 fraudulent
representations, including false claims regarding defendant’s parenting history, 5 financial status
and whether he was a confirmed domestic violence perpetrator. (Id. at ¶ 3.)

The 6 June 18, 2025 state court judgment authorized defendant to enter plaintiff’s California
residence 7 in violation of an active Domestic Violence Protection Order that had also been issued
by a King 8 County, Washington court. (Id. at ¶ 4.) That protective order prohibits defendant from
coming 9 within 1,000 feet of plaintiff’s home. (Id.) 10 Based on these allegations, plaintiff asserts
the following claims against defendant 11 Sonneveld: (1) deprivation of procedural due process in
violation of the Fourteenth Amendment 12 and 42 U.S.C. § 1983; (2) violation of the Violence
Against Women Act, 18 U.S.C. § 2265; (3) 13 violation of the Parental Kidnapping Prevention

Act, 28 U.S.C. § 1738A; (4) violation of the 14 Americans with Disabilities Act, 42 U.S.C. § 12132; and (5) deprivation of property without due 15 process in violation of 42 U.S.C. § 1983.

(Id. at ¶¶ 22–29.) 16 Plaintiff requests the following relief in her complaint: (1) a temporary restraining order 17 followed by a preliminary injunction prohibiting defendant from enforcing any portion of the 18 June 18, 2025 Washington state court judgment; (2) a declaration that enforcement of the 19 Washington judgment would violate plaintiff’s constitutional and statutory rights; (3) an order 20 preserving the status quo pending outcome of state appellate proceedings; and (4) any additional 21 relief this court deems just and proper.

(Id. at 6.) 22 On June 28, 2025, plaintiff filed the pending ex parte motion for temporary restraining 23 order to “enjoin[] Defendant Jord Sonneveld from... [e]nforcing any portion of the Washington 24 State final judgment dated June 18, 2025[.]” (Doc. No. 3 at 1.) 25 LEGAL STANDARD 26 The standard governing the issuing of a temporary restraining order is “substantially 27 identical” to the standard for issuing a preliminary injunction.

See *Stuhlbarg Int’l Sales Co. v. 28 John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). “The proper legal standard for 1 preliminary injunctive relief requires a party to demonstrate ‘that he is likely to succeed on the 2 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the 3 balance of equities tips in his favor, and that an injunction is in the public interest.’” *Stormans, 4 Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir.

2009) (quoting *Winter v. Nat. Res. Def. Council, 5 Inc.*, 555 U.S. 7, 20 (2008)); see also *Ctr. for Food Safety v. Vilsack*, 636 F.3d 1166, 1172 (9th Cir. 2011) (“After *Winter*, ‘plaintiffs must establish that irreparable harm is likely, not just 7 possible, in order to obtain a preliminary injunction.’”); *Am. Trucking Ass’n, Inc. v. City of Los 8 Angeles*, 559 F.3d 1046, 1052 (9th Cir.

2009). A plaintiff seeking a preliminary injunction must 9 make a showing on all four of these prongs. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 10 1135 (9th Cir. 2011). The Ninth Circuit has also held that “[a] preliminary injunction is 11 appropriate when a plaintiff demonstrates... that serious questions going to the merits were 12 raised and the balance of hardships tips sharply in the plaintiff’s favor.” Id. at 1134–35 (citation 13 omitted).

The party seeking the injunction bears the burden of proving these elements. *Klein v. 14 City of San Clemente*, 584 F.3d 1196, 1201 (9th Cir. 2009); see also *Caribbean Marine Servs. Co. 15 v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citation omitted) (“A plaintiff must do more than 16 merely allege imminent harm sufficient to establish standing; a plaintiff must demonstrate 17 immediate threatened injury as a prerequisite to preliminary injunctive relief.”).

Finally, an 18 injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the 19 plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. 20 The likelihood of success on the merits is the most important *Winter* factor. See *Disney 21 Enters., Inc. v. VidAngel*,

Inc., 869 F.3d 848, 856 (9th Cir. 2017). Plaintiff bears the burden of demonstrating that he is likely to succeed on the merits of his claims or, at the very least, that “serious questions going to the merits were raised.” *All. for Wild Rockies*, 632 F.3d at 1131.

ANALYSIS A. Likelihood of Success on the Merits “The Rooker-Feldman doctrine prohibits federal district courts from hearing cases ‘brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.’” *Davis v. Cal. Dep’t of Child Servs.*, No. 2:20-cv-01393-TLN-AC, 2020 WL 5039243, at *2 (E.D.

Cal. Aug. 26, 2020) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)), report and recommendation adopted sub nom. *Davis v. Cal. Dep’t of Child Support Servs.*, No. 2:20-cv-01393-TLN-AC, 2020 WL 5943974 (E.D. Cal. Oct. 7, 5 2020).

In other words, this federal court lacks jurisdiction over de facto appeals of state court judgments. *Noel v. Hall*, 341 F.3d 1148, 1156 (9th Cir. 2003). “It is a forbidden de facto appeal under Rooker-Feldman when the plaintiff in federal district court complains of a legal wrong allegedly committed by the state court, and seeks relief from the judgment of that court.” *Id.* at 1163. “A federal district court dealing with a suit that is, in part, a forbidden de facto appeal from a judicial decision of a state court must refuse to hear the forbidden appeal.” *Id.* at 1158. “As part of that refusal, it must also refuse to decide any issue raised in the suit that is ‘inextricably intertwined’ with an issue resolved by the state court in its judicial decision.” *Id.* De facto appeals from state child custody judgments are no exception to this rule.

Moore v. Cnty. of Butte, 547 F. App’x 826, 829 (9th Cir. 2013)¹ (finding the federal court’s jurisdiction barred by the Rooker-Feldman doctrine where the state court judgments in question included a “child custody case”); see also *Davis*, 2020 WL 5039243, at *2 (“Although plaintiff’s complaint is cast in terms of federal law violations, it is clear from the content of the complaint and the remedies sought (specifically, return of child support payments made, full custody of his child, and production of his child’s mother) that he is essentially contesting the state court judgment regarding his child support and custody obligations.

This amounts to a de facto appeal of the state court judgment.”). As noted, the first part of the de facto appeal test asks whether “the plaintiff in federal district court complains of a legal wrong allegedly committed by the state court[.]” *Noel*, 341 F.3d at 1163.

Here, plaintiff complains of the Washington state court having committed multiple legal errors in the proceedings before it, including that the state court declined to grant plaintiff’s requests for continuances based on her disability, granted defendant custody of plaintiff’s children. Citation to this unpublished Ninth Circuit opinion is appropriate pursuant to Ninth Circuit Rule 36-3(b).

1 based on defendant's fraudulent misrepresentations, and issued an order that conflicts with a
prior 2 protective order issued by the state court. (Doc. No. 1 at ¶¶ 2–4.) Even if plaintiff were to 3
establish that defendant Sonneveld somehow caused the state court to err as a matter of law, the 4
first prong of the de facto appeal test is still satisfied. See, e.g., *Besoyan v. Sacramento Cnty.*, No.
5 2:16-cv-00046-KJM-EFB, 2017 WL 1361655 (E.D.

Cal. Jan. 27, 2017) (finding that the Rooker- 6 Feldman doctrine barred the plaintiff's claims that
a state court judgment was void where that 7 judgment was allegedly based on "fraudulent
testimony"). 8 The second part of the de facto appeal test asks whether "the plaintiff in federal
district 9 court... seeks relief from the judgment of that [state] court." Noel, 341 F.3d at 1163. "To
10 determine whether an action functions as a de facto appeal, we 'pay close attention to the relief
11 sought by the federal-court plaintiff.'" See *Cooper v. Ramos*, 704 F.3d 772, 777–78 (9th Cir.

12 2012) (citation omitted). Here, plaintiff seeks relief in the form of a temporary restraining order
13 and a preliminary injunction prohibiting defendant from enforcing any portion of the June 18,
14 2025 Washington state court judgment, a declaration that enforcement of the Washington 15
judgment would violate plaintiff's constitutional and statutory rights, and an order preserving the
16 status quo pending outcome of state appellate proceedings in the Washington action.

(Doc. No. 1 17 at 6.) Plaintiff therefore seeks relief from the judgment entered by the state court.
See *Schaupp v. 18 Cnty. of Stanislaus*, No. 1:20-cv-01221-DAD-BAM, 2020 WL 5749194, at *2
(E.D. Cal. Sept. 19 25, 2020) ("The pending motion broadly seeks to enjoin unspecified
defendants from further 20 claimed retaliation against plaintiff Schaupp and to place D.S., L.S.,
and P.I. in her care—thereby 21 essentially reversing the state court judgment.").

22 Because plaintiff's suit brought in this federal court is, in its entirety, a forbidden de facto 23
appeal from a judicial decision of a state court, this court need not reach the question of whether
24 other issues are inextricably intertwined with an issue resolved by the state court in its judicial
25 decision. Noel, 341 F.3d at 1158.

The Rooker-Feldman doctrine applies to bar the exercise of 26 jurisdiction by this court, *id.* at
1156, and as a result, plaintiff has failed to raise even "serious 27 questions going to the merits[.]"
All. for Wild Rockies, 632 F.3d at 1131. 28 // 1 CONCLUSION 2 For the reasons explained
above, plaintiff's motion for a temporary restraining order (Doc. 3 | No. 3) is DENIED.

4 IT IS SO ORDERED. > | Dated: _ July 1, 2025 Dab A. 2, sxe 6 DALE A. DROZD 7 UNITED
STATES DISTRICT JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28