

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

In re Darrell Finley

In re Finley · No. 26-CV-22098-MOORE/Elfenbein · Decided April 29, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing Darrell Finley’s amended complaint without prejudice for lack of subject-matter jurisdiction. The recommendation concludes that Finley failed to establish jurisdiction under 28 U.S.C. § 754 and that his claims effectively seek federal appellate review of a Florida state-court writ of possession and eviction, which is barred by the Rooker–Feldman doctrine.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Marty Fulgueira Elfenbein
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	April 29, 2026
DOCKET	26-CV-22098-MOORE/Elfenbein
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on sua sponte review recommending dismissal of Plaintiff's Amended Complaint without prejudice for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	Subject-matter jurisdiction may be examined sua sponte at any time; if the court determines that it lacks subject-matter jurisdiction, dismissal is required under Federal Rule of Civil Procedure 12(h)(3).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- writ of certiorari
- civil procedure
- appellate procedure
- eviction

PRACTICE AREAS

- federal jurisdiction
- civil procedure
- real estate remedies
- appellate procedure

QUESTIONS PRESENTED

1. Whether Finley established subject-matter jurisdiction under 28 U.S.C. § 754 by alleging that he was an appointed receiver over the property.
2. Whether the Rooker-Feldman doctrine barred the federal action because the amended complaint effectively challenged a state-court writ of possession and eviction.
3. Whether dismissal without prejudice was required under Federal Rule of Civil Procedure 12(h)(3) for lack of subject-matter jurisdiction.

HOLDINGS

1. A plaintiff cannot invoke subject-matter jurisdiction under 28 U.S.C. § 754 without alleging and supporting that the plaintiff was appointed as a receiver over the property at issue and that the statutory prerequisites are satisfied.
2. The federal district court lacked subject-matter jurisdiction over claims whose substance was an appellate challenge to the state-court writ of possession and eviction, because the requested relief would require review, modification, or invalidation of the state-court determinations.
3. Dismissal without prejudice was required because Finley failed to establish any basis for federal subject-matter jurisdiction.

KEY QUOTATIONS

“Federal district courts may not review or annul final state-court judgments; such review lies exclusively with the respective state court’s appellate procedures and the United States Supreme Court.” (Section II)

“The proper avenue to challenge the execution of the writ of possession and eviction is through the state appellate review process — not through an original action in federal district court.” (Section III)

FACTUAL BACKGROUND

Finley filed an amended federal complaint concerning real property located at 2350 NW 18th Street, Miami Gardens, Florida. He invoked or referred to 28 U.S.C. § 754 but did not allege or provide evidence that he had been appointed a receiver over the property or provide a receivership order. The same property was involved in a Miami-Dade County state-court case in which the sheriff executed a writ of possession and evicted Finley on April 4, 2026. The federal court determined that the requested relief would effectively undo or obtain appellate review of the state-court eviction decision.

PROCEDURAL HISTORY

Darrell Finley filed a complaint seeking relief under 28 U.S.C. § 754. After questioning subject-matter jurisdiction, the Court issued an order to show cause and permitted Finley, who was proceeding pro se, to file an amended complaint. The amended complaint did not allege facts establishing that Finley was an appointed receiver or otherwise establishing federal jurisdiction, and it appeared to seek federal review of a state-court writ of possession and eviction. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 12(h)(3).

DISPOSITION

dismissed

CASES CITED

- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Bank of New York Mellon v. Bazile, No. 24-CV-60328, 2024 WL 5433074, at *1 (S.D. Fla. May 30, 2024)
- Woldeab v. DeKalb Cty. Bd. of Educ., 885 F.3d 1289, 1292 (11th Cir. 2018)
- Travaglio v. Am. Exp. Co., 735 F.3d 1266, 1268 (11th Cir. 2013)
- Orchid Quay, LLC v. Suncor Bristol Bay, LLC, 178 F. Supp. 3d 1300, 1303 (S.D. Fla. 2016)
- Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir. 1998)
- Underwriters at Lloyd's, London v. Osting-Schwinn, 613 F.3d 1079, 1085 (11th Cir. 2010)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Univ. of S. Ala. v. Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 281, 284 (2005)
- Goodman ex rel. Goodman v. Sipos, 259 F.3d 1327, 1332 (11th Cir. 2001)
- Siegel v. LePore, 234 F.3d 1163, 1172 (11th Cir. 2000)
- May v. Morgan Cty. Ga., 878 F.3d 1001, 1005 (11th Cir. 2017)
- Casale v. Tillman, 558 F.3d 1258, 1260 (11th Cir. 2009)
- United States Sec. & Exch. Comm'n v. Drive Plan., LLC, No. 24-CV-03583-VMC, 2025 WL 1805796, at *3 (N.D. Ga. June 30, 2025)
- Wiand v. Adamek, No. 21-CV-360-JLB-CPT, 2024 WL 477661, at *4 (M.D. Fla. Jan. 19, 2024), report and recommendation adopted, No. 21-CV-360-JLB-CPT, 2024 WL 553481 (M.D. Fla. Feb. 12, 2024)
- Pacheco de Perez v. AT & T Co., 139 F.3d 1368, 1373 (11th Cir. 1998)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989)