

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Elisarravaz v. Haydon

No. 1:25-cv-00930-JLT-BAM (E.D. Cal. Aug. 15, 2025) · No. 1:25-cv-00930-JLT-BAM · Decided August 18, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Abel Antonio Elisarravaz to show cause within fourteen days why his removed state family-law action should not be remanded for lack of subject matter jurisdiction. The court explains that federal courts generally lack jurisdiction over divorce, custody, and domestic-relations matters, and that conclusory references to constitutional rights do not establish federal-question jurisdiction. The court also notes potential application of the Rooker-Feldman doctrine and warns that failure to respond may result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 18, 2025
DOCKET	1:25-cv-00930-JLT-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff removed a California state-court family-law action to federal district court and was ordered to show cause why the action should not be remanded for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The district court has an independent obligation to examine subject matter jurisdiction sua sponte. Removal jurisdiction is strictly construed, with a strong presumption against removal and the removing party bearing the burden of establishing that removal is proper.
PRECEDENTIAL VALUE	unpublished
PARTIES	Abel Antonio Elisarravaz v. Carey Haydon, Gloria Elisarravaz, Judge Valdovinos, Madera County Child Support

TOPICS

subject matter jurisdiction

family law procedure

civil procedure

divorce

child custody

PRACTICE AREAS

civil procedure

family law

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether the removed action appeared to arise from domestic-relations proceedings over which federal courts generally lack jurisdiction.
2. Whether Plaintiff's references to civil-rights violations and constitutional amendments established federal-question jurisdiction sufficient to support removal.
3. Whether the Rooker-Feldman doctrine would bar federal district-court review of the state-court judgment or orders.
4. Whether Plaintiff should be required to show cause why the action should not be remanded for lack of subject matter jurisdiction.

HOLDINGS

1. A federal district court must independently address subject matter jurisdiction sua sponte, and if jurisdiction is lacking, the action must be remanded before final judgment under 28 U.S.C. § 1447(c).
2. An action involving divorce, custody, alimony, or related domestic-relations matters generally cannot be removed to federal court because such matters fall within the states' virtually exclusive authority and could not have been commenced in federal court initially.
3. A bare reference to federal law or constitutional provisions, without factual allegations supporting a federal claim, is insufficient to establish federal-question jurisdiction or permit removal.
4. A federal district court may not adjudicate an action seeking to reverse or nullify a final state-court judgment; such review is barred by the Rooker-Feldman doctrine.

KEY QUOTATIONS

“The district court therefore has “an independent obligation to address sua sponte whether this court has subject-matter jurisdiction.”” (at 2)

““If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”” (at 2)

“There is a “strong presumption” against removal jurisdiction and the Court should “strictly construe the removal statute against removal jurisdiction.”” (at 3)

““[F]ederal courts have no jurisdiction over suits for divorce or the allowance of alimony.”” (at 3)

“A district court may not adjudicate an action seeking to reverse or nullify a final state court judgment.” (at 4)

FACTUAL BACKGROUND

Plaintiff sought to remove a Madera County family-law action involving divorce, custody and visitation, child-support-related allegations, marital assets, and an attempted sale of property. His removal papers referenced civil-rights violations and several constitutional amendments but provided little factual basis for federal claims. The state court had issued findings and orders concerning marital assets and custody, and Plaintiff appeared to challenge those state-court proceedings and orders in federal court.

PROCEDURAL HISTORY

On July 29, 2025, Plaintiff removed an action from the Superior Court of California, County of Madera. The federal court denied or recommended denial of in forma pauperis treatment, addressed Plaintiff's requests to expedite the case, and ordered supplemental briefing concerning subject matter jurisdiction. The court did not yet remand the action; it issued an order to show cause requiring a response within fourteen days and warning that failure to respond could result in a recommendation of dismissal without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff must file written supplemental briefing within fourteen days of service of the order showing a basis for federal subject matter jurisdiction and explaining why the action should not be remanded to Madera County Superior Court. Failure to respond may lead to a recommendation that the action be dismissed without prejudice; an inadequate response may lead to a recommendation declining supplemental jurisdiction over state-law claims and dismissing them without prejudice.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Chavez v. Chavez, No. 2:24-CV-0808-DC-SCR, 2024 WL 4678921, at *1 (E.D. Cal. Nov. 5, 2024)
- Haggett v. Hill, No. CV-192933 PSG MAAX, 2019 WL 12359430, at *1 (C.D. Cal. June 25, 2019)
- Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999)
- Morongo Band of Mission Indians v. California State Board of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988)
- Geographic Expeditions, Inc. v. Estate of Lhotka ex rel. Lhotka, 599 F.3d 1102, 1107 (9th Cir. 2010)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- Ankenbrandt v. Richards, 504 U.S. 689, 693 (1992)
- United States v. Windsor, United States v. Windsor, 570 U.S. 744, 767 (2013)
- Sosna v. Iowa, 419 U.S. 393, 404 (1975)
- Bridgeman v. Bridgeman, No. S-08-0100 FCD DAD PS, 2009 WL 2914585, at *1 (E.D. Cal. Sept. 9, 2009)
- Piette v. Koehn, No. 2:12-CV-02517 MCE, 2012 WL 5199164, at *1 (E.D. Cal. Oct. 19, 2012)

- Smith v. Industrial Valley Title Insurance Co., 957 F.2d 90, 93 (3d Cir. 1992)
- Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 (1923)
- District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 483 (1983)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 FOR THE EASTERN DISTRICT OF
CALIFORNIA 8 9 ABEL ANTONIO ELISARRAVAZ, Case No. 1:25-cv-00930-JLT-BAM 10
Plaintiff, ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE REMANDED
11 v. BACK TO STATE COURT FOR LACK OF SUBJECT MATTER JURISDICTION 12
CAREY HAYDON et al., FOURTEEN (14) DAY DEADLINE 13 Defendants. 14 15 16 On July
29, 2025, Plaintiff Abel Antonio Elisarravaz (“Plaintiff”), proceeding pro se, 17 removed this
action from Madera County Superior Court.¹ (Doc.

1.) Plaintiff brings claims 18 against Carey Haydon, Gloria Elisarravaz, Judge Valdovinos, and
Madera County Child Support. 19 (Id.) On the same day, Plaintiff filed a motion to proceed in
forma pauperis. (Docs. 2, 4.)

On 20 August 11, 2025, the Court issued Findings and Recommendations denying Plaintiff’s
application 21 to proceed without prepayment of fees and costs and recommending Plaintiff be
required to pay 22 the \$405.00 filing fee in full to proceed with this action. (Doc. 7.) 23 On August
8, 2025, Plaintiff filed a motion requesting that the Court expedite this action.

24 (Doc. 5.) On August 12, 2025, the Court denied without prejudice Plaintiff’s request to expedite
25 on the basis that the Court’s Findings and Recommendations denying Plaintiff’s application to
26 proceed in forma pauperis were still pending before the District Judge. (Doc. 8.) Plaintiff has
27 1 Elisarraraz v. Elisarraraz, Case No. MFL018582, filed in the Superior Court of California, 28
County of Madera (the “State Court Action”).

1 since paid the filing fee. (Doc. 9.) On August 12, 2025, Plaintiff re-filed his motion to expedite,
2 which was substantially identical to the prior motion to expedite. (Doc. 10.) 3 Having considered
the matter, the Court ORDERS that within fourteen (14) days of the 4 date of this order Plaintiff
SHALL show cause in writing why this action should not be remanded 5 back to Madera County
Superior Court, pursuant to 28 U.S.C. § 1447(c), for lack of subject 6 matter jurisdiction.

7 BACKGROUND 8 Plaintiff’s notice of removal indicates that the basis for removal is “violation
of civil 9 rights,” “vialation [sic] of 4th, 5th, 6th, 8th and 14th amendments of the Bill of Rights,
the 10 Constitution.” (Doc. 1 at 2.) Plaintiff’s complaint asserts that the Court has federal question
11 jurisdiction over this action and lists only “28 U.S.C. § 1446” and “Civil Rights” as the federal
12 statutes or provisions of the U.S. Constitution that are at issue.

(Id. at 6-7.) 13 Plaintiff's short but unclear statement of the claim provides that: "All defendant [sic] stole 14 and miss juice [sic] my Social Security Number and violated my right of a father To see his 15 daughter, Also violation of civil rights, False criminal charges of child support, Identity theft. 16 trying to sell my house without due process." (Id. at 8.)

Plaintiff requests the following relief: 17 "Award the plaintiff the divorce, [sic] Dismiss False Charges, Award plaintiff \$500,000 for each 18 civil right violation, Restore Father's right to see his daughter visitations 50/50 custody and file 19 criminal charges for identity theft of my Social Security Number stop the sale of my house by the 20 Court." (Id. at 9) 21 In Plaintiff's motion requesting that the Court expedite this action, Plaintiff states that the 22 reasons to expedite the proceedings are "severe Lost [sic] of home permanent harm.

I am sole 23 proprietor of the property. They want to sell my property immediately. By the time I appeal my 24 house will be sold. Causing me permanent harm. Violating my Rights and loss of home." (Doc. 25 10 at 2.) Plaintiff attached to the motion to expedite a proof of payment of the filing fee, dated 26 August 11, 2025; an Interspousal Transfer Deed, dated July 27, 2012; a Grant Deed, dated July 27 27, 2012; and the Findings and Order in the State Court Action, dated July 30, 2025.

(Doc. 10 at 28 3-10.) 1 As far as the Court can determine, Plaintiff appears to be challenging the Findings and 2 Orders issued by the Madera County Superior Court on July 30, 2025 regarding the disposition of 3 marital assets, as well as his custody arrangement and divorce proceedings more generally. 4 (Docs. 10 at 8-10; Doc. 1 at 8-9.) Plaintiff does not allege the specific involvement or actions of 5 any of the named defendants.

6 DISCUSSION 7 Federal courts are courts of limited jurisdiction, having subject matter jurisdiction only 8 over matters authorized by the Constitution and Congress.² *Kokkonen v. Guardian Life Ins. Co.*, 9 511 U.S. 375, 377 (1994). "Jurisdiction is a threshold inquiry that must precede the adjudication 10 of any case before the district court." *Chavez v. Chavez*, No. 2:24-CV-0808-DC-SCR, 2024 WL 11 4678921, at *1 (E.D.

Cal. Nov. 5, 2024) (issuing an Order to Show Cause why Plaintiff's 12 challenge to a marital dissolution case filed in San Joaquin County Superior Court should not be 13 remanded for lack of jurisdiction); *Haggett v. Hill*, No. CV-192933 PSG MAAX, 2019 WL 14 12359430, at *1 (C.D. Cal. June 25, 2019) (issuing an Order to Show Cause why a family law 15 case filed in Los Angeles Superior Court should not be remanded for lack of jurisdiction).

16 The district court therefore has "an independent obligation to address sua sponte whether 17 this court has subject-matter jurisdiction." *Dittman v. California*, 191 F.3d 1020, 1025 (9th Cir. 18 1999). If the district court has no subject matter jurisdiction, the action should be dismissed, 19

“regardless of the parties’ preference for an adjudication in federal court.” *Morongo Band of 20 Mission Indians v. California State Bd. of Equalization*, 858 F.2d 1376, 1380 (9th Cir.

1988) (if 21 jurisdiction is lacking, the district court has “no power to do anything with the case except 22 dismiss.”) “If at any time before final judgment it appears that the district court lacks subject 23 matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). 24 A defendant may remove a civil action in state court to federal court if the federal court 25 has original jurisdiction over the action.

28 U.S.C. § 1441(a).³ There is a “strong presumption” 26 2 Because all parties appear to be residents of California according to Plaintiff’s complaint, 27 diversity jurisdiction would not be available here. (Doc. 1 at 3, 5-6.) 3 The Court notes that there may be potential procedural defects in the removal under 28 U.S.C. § 28 1446. Plaintiff has not provided “a copy of all process, pleadings, and orders served upon” him in 1 against removal jurisdiction and the Court should “strictly construe the removal statute against 2 removal jurisdiction.” *Geographic Expeditions, Inc. v. Est. of Lhotka ex rel.*

Lhotka, 599 F.3d 3 1102, 1107 (9th Cir. 2010) (citing *Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th Cir.1992)). The 4 removing party therefore bears the burden of establishing that removal is proper. *Gaus*, 980 F.2d 5 at 566. 6 Plaintiff appears to be attempting to remove an action involving marital dissolution and 7 custody that was resolved in Madera County Superior Court.

(Doc. 10 at 7-10.) “[F]ederal 8 courts have no jurisdiction over suits for divorce or the allowance of alimony.” *Ankenbrandt v. 9 Richards*, 504 U.S. 689, 693 (1992); *United States v. Windsor*, 570 U.S. 744, 767 (2013) 10 (“Federal courts will not hear divorce and custody cases... because of ‘the virtually exclusive 11 primacy of the States in the regulation of domestic relations.’”) (quoting *Ankenbrandt*, 504 U.S. 12 at 714).

The states have “virtually exclusive province” to regulate domestic relations, *Sosna v. 13 Iowa*, 419 U.S. 393, 404 (1975), and a state law case cannot be removed to federal court if it 14 could not have been commenced in federal court initially. 28 U.S.C. § 1441(a). *Bridgeman v. 15 Bridgeman*, No. S-08-0100 FCD DAD PS, 2009 WL 2914585, at *1 (E.D. Cal. Sept.

9, 2009) 16 (“Petitioner’s family law case is not a case that could have been commenced in federal court and 17 this court would not have removal jurisdiction over the case if petitioner had followed proper 18 removal procedure.”) 19 Plaintiff also pleads “violation of 4th, 5th, 6th, 8th and 14th amendments of the Bill of 20 Rights,” but does not provide a factual basis for these claims.

(Doc. 1 at 2.) Regardless, “[m]ere 21 reference to federal law is insufficient to permit removal.” *Piette v. Koehn*, No. 2:12-CV-02517 22 MCE, 2012 WL 5199164, at *1 (E.D. Cal. Oct. 19, 2012)

(citing *Smith v. Indus. Valley Title Ins. 23 Co.*, 957 F.2d 90, 93 (3d Cir. 1992)). 24 To the extent Plaintiff is requesting this Court review a state court judgment, he is 25 the State Court Action.

28 U.S.C. § 1446(a). Because Plaintiff has not provided a copy of the pleadings in the State Court Action, the Court is unable to determine whether the notice of 26 removal was filed within the requisite 30 days after receipt by the defendant of a copy of the 27 initial pleading, or within 30 days after the service of summons upon the defendant. 28 U.S.C. § 1446(b)(1).

However, the Court will refrain from determining whether removal was procedurally 28 proper at this time. 1 informed that district courts lack subject matter jurisdiction to do so. A district court may not 2 adjudicate an action seeking to reverse or nullify a final state court judgment. *Rooker v. Fidelity 3 Trust Co.*, 263 U.S. 413, 415, 44 S.Ct. 149, 150 (1923); *District of Columbia Court of Appeals v. 4 Feldman*, 460 US 462, 483, 103 S.Ct.

1303, 1316 (1983). Known as the Rooker-Feldman 5 doctrine,” the doctrine prohibits the loser in state court from avoiding its fate by trying to 6 persuade a federal district court that the state judgment violates the loser’s federal rights. 7 Accordingly, the Court ORDERS Plaintiff to file supplemental briefing showing a basis 8 for subject matter jurisdiction in this action.

9 CONCLUSION 10 For the reasons stated above, it is HEREBY ORDERED as follows: 11 1. Plaintiff is ORDERED to show cause, in writing, within fourteen (14) days of 12 service of this order, why the Court should not recommend that this action be 13 remanded back to Madera County Superior Court, pursuant to 28 U.S.C. § 1447(c), for 14 lack of subject matter jurisdiction.

15 2. Plaintiff is cautioned that the failure to respond may result in a recommendation to 16 dismiss of the entire action without prejudice. Fed. R. Civ. P. 41(b) (stating that 17 dismissal is warranted “[i]f the plaintiff fails to... comply with... a court order”); 18 see also *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 19 2005).

Further, an inadequate response will result in the Court recommending that 20 supplemental jurisdiction over Plaintiff’s state law claims be declined and that they be 21 dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). 22 IT IS SO ORDERED. 23 24 Dated: August 15, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 25 26 27 28