

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Bethany Gill v. Brandon Hatton

Gill · No. 4:26-CV-345-JHM · Decided May 14, 2026

SUMMARY

The United States District Court for the Western District of Kentucky grants Bethany Gill’s motion to proceed in forma pauperis and conducts an initial review under 28 U.S.C. § 1915(e). The court concludes that 18 U.S.C. § 2261A and the UCCJEA do not provide a basis for federal jurisdiction, that diversity jurisdiction is not established, and that Younger abstention would independently preclude the requested relief concerning ongoing state custody and child-support proceedings. The court determines that amendment would be futile and dismisses the action for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
WRITING FOR THE COURT	Joseph H. McKinley Jr.
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	May 14, 2026
DOCKET	4:26-CV-345-JHM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a federal complaint concerning ongoing interstate child-custody and child-support proceedings, invoked 18 U.S.C. § 2261A and the UCCJEA, and sought injunctive, custodial, and referral-related relief. The court granted in forma pauperis status and conducted an initial screening under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	On in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an action that is frivolous or malicious, fails to state a claim, or seeks relief from an immune defendant. The court viewed the complaint liberally, accepted well-pleaded factual allegations as true, and independently assessed subject-matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3).
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion; nonprecedential

PARTIES

Bethany Gill v. Brandon Hatton

TOPICS

subject matter jurisdiction

family law procedure

injunctions

federalism

civil procedure

PRACTICE AREAS

civil procedure

family law

federal jurisdiction

federalism

QUESTIONS PRESENTED

1. Whether 18 U.S.C. § 2261A permits a private plaintiff to initiate a federal criminal prosecution or provides a private civil cause of action sufficient to establish federal-question jurisdiction.
2. Whether the UCCJEA provides a private right of action in federal court or otherwise establishes federal-question jurisdiction.
3. Whether the complaint established diversity jurisdiction under 28 U.S.C. § 1332.
4. Whether Younger abstention barred the requested federal injunctive or declaratory relief concerning ongoing state custody and child-support proceedings.
5. Whether leave to amend was required before dismissal.

HOLDINGS

1. Section 2261A is a criminal statute that neither authorizes a private citizen to initiate federal criminal charges nor provides a private civil cause of action; therefore, it did not confer subject-matter jurisdiction.
2. The UCCJEA does not provide a private right of action in federal court and is not federal law; therefore, it did not establish federal-question jurisdiction.
3. The complaint did not establish diversity jurisdiction because, although the parties were alleged to reside in different states, the plaintiff did not seek damages or allege facts showing that the amount in controversy exceeded \$75,000.
4. Younger abstention would bar the requested injunctive or declaratory relief because the complaint concerned ongoing state judicial proceedings, important state interests in family-law matters, and proceedings in which the plaintiff had an adequate opportunity to raise her claims.
5. Leave to amend was not required because amendment would be futile where the complaint's jurisdictional defect was apparent from its face and could not be cured by amendment.

KEY QUOTATIONS

“A private citizen has no authority to initiate a federal criminal prosecution; that power is vested exclusively in the executive branch.” (Section III.A)

“Younger abstention doctrine would prevent the Court from providing the relief she seeks even if the Court had jurisdiction.” (Section III.D)

FACTUAL BACKGROUND

Bethany Gill, a Florida resident, sued Brandon Hatton, the father of her minor child, based on alleged conduct related to ongoing custody and child-support proceedings in Florida and Kentucky. She invoked the federal criminal stalking statute, 18 U.S.C. § 2261A, and the UCCJEA, and sought federal intervention in the state proceedings, return of the minor child, and referral of alleged criminal conduct to law enforcement. She did not seek damages or allege facts showing that the amount in controversy exceeded \$75,000.

PROCEDURAL HISTORY

The plaintiff moved to proceed in forma pauperis and filed a complaint seeking federal review or intervention in ongoing Kentucky and Florida family-court proceedings. The court granted the motion, reviewed the complaint and related emergency filings sua sponte under 28 U.S.C. § 1915(e), determined that subject-matter jurisdiction was lacking, found that Younger abstention independently barred the requested relief, and concluded that amendment would be futile. The court ordered dismissal by separate order.

DISPOSITION

dismissed

CASES CITED

- *McGore v. Wigglesworth*, 114 F.3d 601, 608-09 (6th Cir. 1997)
- *Jones v. Bock*, 549 U.S. 199 (2007)
- *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009)
- *Gunasekera v. Irwin*, 551 F.3d 461, 466 (6th Cir. 2009)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991)
- *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)
- *Hudson v. Coleman*, 347 F.3d 138, 141 (6th Cir. 2003)
- *Douglas v. E.G. Baldwin & Assocs. Inc.*, 150 F.3d 604, 606-07 (6th Cir. 1998)
- *Cobb v. Contract Transp., Inc.*, 452 F.3d 543, 548-49 (6th Cir. 2006)
- *Ebrahimi v. City of Huntsville Bd. of Educ.*, 114 F.3d 162, 165 (11th Cir. 1997)
- *Powell v. Katzenbach*, 359 F.2d 234, 235 (D.C. Cir. 1965)
- *Sahagian v. Dickey*, 646 F. Supp. 1502, 1506 (W.D. Wis. 1986)
- *United States v. Nixon*, 418 U.S. 683, 693 (1974)
- *Saro v. Brown*, 11 F. App'x 387, 388 (6th Cir. 2001)
- *Dixon v. Ford Motor Co.*, No. 19-1031, 2020 WL 13560450, at *3 (6th Cir. Feb. 10, 2020)
- *Wieland v. Germantown Fire Dep't*, No. 2:22-CV-02651-TLP-CGC, 2023 WL 11822196, at *3 (W.D. Tenn. June 26, 2023)
- *Thompson v. Thompson*, 484 U.S. 174, 187 (1988)
- *Mensah v. St. Joseph Cnty. Fam. Indep. Agency*, 187 F.3d 636 (6th Cir. 1999)

- DeMent v. Oglala Sioux Tribal Court, 874 F.2d 510, 513 (8th Cir. 1989)
- Dennison v. Stowers, No. 122CV00336JLT SKO, 2022 WL 2214254, at *2-3 (E.D. Cal. June 21, 2022)
- Cathey v. Harrison, No. 1:16-CV-00545-LJO-MJS, 2016 WL 4494446, at *2 (E.D. Cal. Aug. 25, 2016)
- Dennison v. Whitten Stowers, No. 1:22-CV-0336 JLT SKO, 2022 WL 2918327 (E.D. Cal. July 25, 2022)
- Michigan Southern Railroad Co. v. Branch & St. Joseph Counties, 287 F.3d 568, 573 (6th Cir. 2002)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Younger v. Harris, 401 U.S. 37, 40-41 (1971)
- O'Neill v. Coughlan, 511 F.3d 638, 643 (6th Cir. 2008)
- Graves v. Mahoning County, 534 F. App'x 399, 406 (6th Cir. 2013)
- Fieger v. Cox, 524 F.3d 770, 775 (6th Cir. 2008)
- American Family Prepaid Legal Corp. v. Columbus Bar Ass'n, 498 F.3d 328, 332 (6th Cir. 2007)
- Zak v. Pilla, 698 F.2d 800, 801 (6th Cir. 1982)
- Izazaga v. Fleming, No. 5:14-CV-00213-GNS, 2015 WL 1284158, at *3 (W.D. Ky. Mar. 18, 2015)
- LaFountain v. Harry, 716 F.3d 944, 951 (6th Cir. 2013)
- Bishawi v. Northeast Ohio Correctional Center, 628 F. App'x 339, 347 (6th Cir. 2015)

OPINION

Gill

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF KENTUCKY

OWENSBORO DIVISION

BETHANY GILL PLAINTIFF

v. CIVIL ACTION NO. 4:26-CV-345-JHM

BRANDON HATTON DEFENDANT

MEMORANDUM OPINION AND ORDER

On review of Plaintiff Bethany Gill's motion for leave to proceed in forma pauperis, the Court finds that Plaintiff makes the financial showing required by 28 U.S.C. § 1915(a). The Court, therefore, GRANTS the motion (DN 3). Because Plaintiff is proceeding in forma pauperis, the Court will conduct its initial review of the complaint pursuant to 28 U.S.C. § 1915(e) and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007). For the reasons that follow, this case will be dismissed.

I. SUMMARY OF ALLEGATIONS

Plaintiff, a resident of Florida, sues Brandon Hatton, the father of her minor child.¹ The crux of her complaint concerns the behavior of Defendant during and related to ongoing custody and child support proceedings in state court. Her complaint references child support proceedings in Florida

and a Kentucky Family Court case. She acknowledges that domestic and custody matters are generally handled in state court, but she states that she seeks federal review for alleged interstate threats under 18 U.S.C. § 2261A, the federal criminal stalking statute. The complaint also references the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). She 1 Plaintiff has another case pending against Defendant Hatton and multiple other Defendants. *Gill v. Owensboro Health, Inc.*, 4:25-cv-183-JHM. further requests that the Court report “any evidence concerning alleged criminal conduct” to the proper law enforcement agency. As relief, she requests a dismissal, stay, or review of “Kentucky related custodial proceedings;” an order that the minor be returned to her; and the referral of alleged criminal conduct to the proper authorities.

II. STANDARD

Upon review under § 1915(e); *McGore*, 114 F.3d at 608-09, the Court must dismiss a case at any time if it determines that an action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. See § 1915(e)(2)(B). “[A] district court must (1) view the complaint in the light most favorable to the plaintiff and (2) take all well-pleaded factual allegations as true.” *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009) (citing *Gunasekera v. Irwin*, 551 F.3d 461, 466 (6th Cir. 2009) (citations omitted)). This Court recognizes that pro se pleadings are to be held to a less stringent standard than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991).

It is axiomatic that federal district courts are courts of limited jurisdiction, and their powers are enumerated in Article III of the Constitution. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Hudson v. Coleman*, 347 F.3d 138, 141 (6th Cir. 2003) (“[I]t is well established that federal courts are courts of limited jurisdiction, possessing only that power authorized by the Constitution and statute.”). “Jurisdiction defines the contours of the authority of courts to hear and decide cases, and, in so doing, it dictates the scope of the judiciary’s influence.” *Douglas v. E.G. Baldwin & Assocs. Inc.*, 150 F.3d 604, 606 (6th Cir. 1998), overruled on other grounds by *Cobb v. Contract Transp., Inc.*, 452 F.3d 543, 548–49 (6th Cir. 2006). The party that seeks to invoke a federal district court’s jurisdiction bears the burden of establishing the court’s authority to hear the case. *Kokkonen*, 511 U.S. at 377. Federal courts have an independent duty to determine whether they have jurisdiction and to “‘police the boundaries of their own jurisdiction.’” *Douglas*, 150 F.3d at 607 (quoting *Ebrahimi v. City of Huntsville Bd. of Educ.*, 114 F.3d 162, 165 (11th Cir. 1997)). Under Federal Rule of Civil Procedure 12(h)(3), “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

III. ANALYSIS

A. § 2261A The complaint states that it involves federal question jurisdiction and is brought under 18 U.S.C. § 2261A. Section 2261A is a criminal statute. “It is well settled that the question of whether and when prosecution is to be instituted is within the discretion of the Attorney General.” *Powell v. Katzenbach*, 359 F.2d 234, 235 (D.C. Cir. 1965). Only federal prosecutors, and not

private citizens, have the authority to initiate federal criminal charges. *Sahagian v. Dickey*, 646 F. Supp. 1502, 1506 (W.D. Wis. 1986); see also *United States v. Nixon*, 418 U.S. 683, 693 (1974) (“Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case.”); *Saro v. Brown*, 11 F. App’x 387, 388 (6th Cir. 2001) (“A private citizen has no authority to initiate a federal criminal prosecution; that power is vested exclusively in the executive branch.”). Nor does § 2261A authorize any private civil cause of action. See *Dixon v. Ford Motor Co.*, No. 19-1031, 2020 WL 13560450, at *3 (6th Cir. Feb. 10, 2020) (holding that defendant was entitled to summary judgment because § 2261A provides no private civil cause of action). Thus this statute does not confer subject-matter jurisdiction in this Court. See *Wieland v. Germantown Fire Dep’t*, No. 2:22-CV-02651-TLP-CGC, 2023 WL 11822196, at *3 (W.D. Tenn. June 26, 2023).

B. UCCJA

The UCCJA does not provide a private right of action in federal court. See *Thompson v. Thompson*, 484 U.S. 174, 187 (1988); *Mensah v. St. Joseph Cnty. Fam. Indep. Agency*, 187 F.3d 636 (6th Cir. 1999) (“If Mensah felt aggrieved by the Michigan court order, his remedy was to appeal through the state courts,” not by invoking the UCCJA); *DeMent v. Oglala Sioux Tribal Court*, 874 F.2d 510, 513 (8th Cir. 1989). “[T]he UCCJEA is not federal law. It is rather a uniform law that has been adopted by several states[.]” *Dennison v. Stowers*, No. 122CV00336JLT SKO, 2022 WL 2214254, at *2 (E.D. Cal. June 21, 2022) (quoting *Cathey v. Harrison*, No. 1:16–CV–00545–LJO–MJS, 2016 WL 4494446, at *2 (E.D. Cal. Aug. 25, 2016)), report and recommendation adopted sub nom. *Dennison v. Whitten Stowers*, No. 1:22-CV-0336 JLT SKO, 2022 WL 2918327 (E.D. Cal. July 25, 2022). Thus, Plaintiff has no federal claim under the UCCJEA, and she has not met her burden of establishing federal-question jurisdiction under 28 U.S.C. § 1331. And Plaintiff does not allege any other plausible federal claim. The “well-pleaded complaint” rule requires that “a federal question be presented on the face of the complaint.” *Mich. S. R.R. Co. v. Branch & St. Joseph Cntys.*, 287 F.3d 568, 573 (6th Cir. 2002). The Court, having read the complaint liberally finds no federal claim apparent from the complaint. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“The pleadings of pro se litigants must be liberally construed and ‘held to less stringent standards than formal pleadings drafted by lawyers.’”) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). C. Diversity Jurisdiction Likewise, Plaintiff fails to establish diversity jurisdiction. For a federal court to have diversity-of-citizenship jurisdiction pursuant to 28 U.S.C. § 1332, there must be complete diversity—which means that plaintiff must be a citizen of a different state than each defendant—and the amount in controversy must exceed \$75,000. *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 68

(1996). Here, according to the complaint, Plaintiff resides in Florida and Defendant resides in Kentucky. But Plaintiff does not ask for damages and fails to allege facts supporting a finding that the amount in controversy would exceed \$75,000. D. Abstention Moreover, Plaintiff seeks this Court’s involvement in ongoing state court proceedings in Kentucky and Florida. However, *Younger v. Harris* “requires a federal court to abstain from granting injunctive or declaratory relief

that would interfere with pending state judicial proceedings.” *O’Neill v. Coughlan*, 511 F.3d 638, 643 (6th Cir. 2008) (citing *Younger v. Harris*, 401 U.S. 37, 40–41 (1971)). “The *Younger* abstention doctrine provides that a federal court should abstain from interfering in a state court action when (1) there is an ongoing state judicial proceeding, (2) the state proceeding implicates important state interests, and (3) there is an adequate opportunity in the state proceedings to raise constitutional challenges.” *Graves v. Mahoning Cnty.*, 534 F. App’x 399, 406 (6th Cir. 2013) (citing *Fieger v. Cox*, 524 F.3d 770, 775 (6th Cir. 2008); *Am. Family Prepaid Legal Corp. v. Columbus Bar Ass’n*, 498 F.3d 328, 332 (6th Cir. 2007)). All three factors supporting abstention are present in this case. The matters presented in the complaint involve ongoing family court disputes and implicate important state interests in determining the disposition of those actions. See *Zak v. Pilla*, 698 F.2d 800, 801 (6th Cir. 1982); *Izazaga v. Fleming*, No. 5:14-CV-00213-GNS, 2015 WL 1284158, at *3 (W.D. Ky. Mar. 18, 2015). And there is no indication that the claims raised by Plaintiff could not be raised in the state court proceedings. Therefore, the *Younger* abstention doctrine would prevent the Court from providing the relief she seeks even if the Court had jurisdiction. “Although a district court may allow a plaintiff to amend [her] complaint before entering a sua sponte dismissal, it is not required to do so, *LaFountain [v. Harry]*, 716 F.3d 944, 951 (6th Cir. 2013], and leave to amend should be denied if the amendment would be futile.” *Bishawi v. Ne. Ohio Corr. Ctr.*, 628 F. App’x 339, 347 (6th Cir. 2014)). Here, amendment would be futile. It is clear from the face of the complaint that the Court lacks subject matter jurisdiction, and the nature of the asserted claims precludes any possibility that Plaintiff could cure the jurisdictional defect by amendment. See, e.g., *Dennison*, 2022 WL 2214254, at *3 (where complaint lacks subject matter jurisdiction and no amendment could remedy defect, amendment would be futile). Finally, it is not this Court’s role to “refer” allegedly criminal matters to the proper authorities. Nothing prevents Plaintiff from reporting possible crimes to law enforcement.’

IV. CONCLUSION

For the reasons set forth above, the Court will, by separate Order, dismiss this case for lack of subject matter jurisdiction. Date: May 14, 2026 k LM GS; f Joseph H. McKinley Jr., Senior Judge United States District Court cc: Plaintiff, pro se 4414.009 2? The Court has reviewed Plaintiff’s other filings: her motion for immediate relief and a temporary restraining order (TRO) (DN 1-17) and emergency supplemental affidavit (DNs 5 and 7). Plaintiff’s proposed emergency order (DN 1- 9) seeks the cessation of Defendant’s alleged harassment, the minor’s immediate return, and for Defendant to provide certain documentation. Since then, she has filed an “Emergency Supplemental Affidavit in Support of Domestic Violence Protections for Minor Child” (DNs 5 and 7 (duplicate of DN 5)). The affidavit acknowledges that her concerns “have been reported to family court authorities and law enforcement.” The Court has also reviewed her Emergency Motion for Expedited Federal Review/Prosecution for RICO/Retaliation/Kidnapping & Attempted Murder/Color of Law Violations/Review of Long Complaint, ADA Accommodation for Procedural Requirements/Formatting Defects and Waiver of Certificate of Service Due to

Investigative Interference Concerns, and Protective Relief, Motion for Judicial Notice of Prior Exhibits/Complaints to Be Considered and Referred to FBI Emergently (DN 8).

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-western-district-of-kentucky-owensboro-division-united-states-d/2026/bethany-gill-v-brandon-hatton-di2id767>