

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Nyah Lohr v. Daniel Lohr

Lohr · No. 6:26-cv-237-MC · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Oregon remands a removed state-court stalking protective-order proceeding. The court holds that the plaintiff’s request for a stalking order does not arise under federal law under the well-pleaded complaint rule, and it also notes the domestic-relations exception and Younger abstention. The court concludes that it lacks subject-matter jurisdiction and remands the action to state court.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael McShane
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 11, 2026
DOCKET	6:26-cv-237-MC
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a state-court stalking-protective-order proceeding to federal district court, asserting federal-question jurisdiction based on alleged First and Second Amendment issues. The federal court remanded for lack of subject-matter jurisdiction and because removal was barred by the domestic-relations exception and Younger abstention.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper, and any doubt regarding removal jurisdiction is resolved against removal. The court must remand if it lacks subject-matter jurisdiction.
PRECEDENTIAL VALUE	Unknown
PARTIES	Daniel Lohr v. Nyah Lohr

TOPICS

- subject matter jurisdiction
- civil procedure
- family law
- constitutional law
- federalism

PRACTICE AREAS

civil procedure

federal jurisdiction

family law

QUESTIONS PRESENTED

1. Whether the state-court stalking-protective-order proceeding arose under federal law so as to support federal-question jurisdiction under 28 U.S.C. § 1331.
2. Whether the federal court could exercise jurisdiction over the domestic-relations stalking proceeding despite the domestic-relations exception to federal jurisdiction.
3. Whether Younger abstention required the federal court to refrain from interfering with the ongoing state-court proceeding.
4. Whether the case had to be remanded under 28 U.S.C. § 1447(c) because removal was improper and the federal court lacked subject-matter jurisdiction.

HOLDINGS

1. The proceeding did not arise under federal law because the plaintiff's requested stalking order did not present federal constitutional rights as an element or seek relief under federal law.
2. The federal court lacked jurisdiction over the stalking case involving domestic relations because federal courts are generally prohibited from interfering in domestic-relations matters.
3. Younger abstention applied because the state proceeding was ongoing, implicated important state interests, and provided an adequate forum for raising federal questions.
4. The action had to be remanded to state court because the federal court clearly lacked subject-matter jurisdiction and the defendant failed to establish that removal was proper.

KEY QUOTATIONS

“The presence or absence of federal-question jurisdiction is governed by the well-pleaded complaint rule, which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.”

“Not only has Defendant failed to meet his burden establishing that removal was proper, his filings conclusively demonstrate that this Court lacks jurisdiction.”

“Because this Court clearly lacks subject-matter jurisdiction, this action is REMANDED to state court.”

FACTUAL BACKGROUND

Nyah Lohr sought a stalking protective order against her father, Daniel Lohr, in state court. The state court issued a stalking protective order affecting Daniel Lohr's rights and set a show-cause proceeding. Daniel Lohr removed the matter, characterizing the allegations as arising from domestic discord and asserting that the proceeding implicated his First and Second Amendment rights.

PROCEDURAL HISTORY

Nyah Lohr initiated a state-court proceeding seeking a stalking order against Daniel Lohr, and the state court issued a stalking protective order and show-cause order. Daniel Lohr removed the proceeding to the United States District Court for the District of Oregon under 28 U.S.C. § 1441, asserting federal-question jurisdiction. The district court concluded that the well-pleaded complaint did not present a federal question, that the domestic-relations exception and Younger abstention independently barred federal interference, and remanded the matter to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the action to the state court because the federal district court lacks subject-matter jurisdiction.

CASES CITED

- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Franchise Tax Bd. v. Constr. Laborers Vacation Trust, 463 U.S. 1, 8, 10-11 (1983)
- Gully v. First Nat'l Bank, 299 U.S. 109, 112 (1936)
- Ankenbrandt v. Richards, 504 U.S. 689, 703-04 (1992)
- Poulos v. Caesars World, Inc., 379 F.3d 654, 699 (9th Cir. 2004)
- Weiner v. County of San Diego, 23 F.3d 263, 266 (9th Cir. 1994)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979)
- Nishimoto v. Federman-Bachrach & Assocs., 903 F.2d 709, 712 (9th Cir. 1990)