

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY

Jovan David Rebolledo Mendez v. Keely Marie Brandon

Mendez v. Brandon · No. 3:24-CV-00736-CRS · Decided March 11, 2026

SUMMARY

The United States District Court for the Western District of Kentucky denied Jovan David Rebolledo Mendez’s Rule 59(e) motion seeking to alter or vacate the dismissal of his petition for the return of children to Japan under the Hague Convention and ICARA. The court held that Mendez largely repeated arguments previously presented and failed to establish clear legal error or manifest injustice. The court also stated that it could not review the state court’s Hague judgment under the Rooker-Feldman doctrine and was required to give that judgment full faith and credit.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky
WRITING FOR THE COURT	Charles R. Simpson III
JURISDICTION	United States District Court for the Western District of Kentucky
DECIDED	March 11, 2026
DOCKET	3:24-CV-00736-CRS
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 59(e) to alter, amend, or vacate the court's prior order dismissing his Hague Convention return petition on abstention grounds.
STANDARD OF REVIEW	A Rule 59(e) motion requires a showing of clear error of law, newly discovered evidence, an intervening change in controlling law, or a need to prevent manifest injustice. Clear-error relief requires more than reargument and is unavailable absent a wholesale disregard, misapplication, or failure to recognize controlling precedent.
PRECEDENTIAL VALUE	district court opinion
PARTIES	Jovan David Rebolledo Mendez v. Keely Marie Brandon

TOPICS

- motion for reconsideration
- civil procedure
- subject matter jurisdiction
- family law
- parental rights

PRACTICE AREAS

civil procedure

international child abduction

family law

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Mendez satisfied the requirements for relief from the prior dismissal under Federal Rule of Civil Procedure 59(e).
2. Whether the court clearly erred by abstaining under *Younger* and *Colorado River* in light of the parallel state-court Hague proceeding.
3. Whether the federal court could overturn or review the state court's Hague judgment.
4. Whether ICARA required the federal court to give the state-court Hague judgment full faith and credit and preclusive effect.
5. Whether the prior abstention decision caused a manifest injustice warranting Rule 59(e) relief.

HOLDINGS

1. A Rule 59(e) motion may not be used to relitigate matters or raise arguments that could have been presented before judgment; Mendez's repeated arguments therefore did not establish entitlement to relief.
2. Mendez failed to show that the court's prior decision to abstain under *Younger* and *Colorado River* represented a clear error of law.
3. The federal district court lacked jurisdiction to review or overturn the state-court Hague judgment under the *Rooker-Feldman* doctrine.
4. ICARA required the federal court to accord full faith and credit to the state-court judgment granting or denying return of a child under the Convention.
5. Mendez did not demonstrate a manifest injustice warranting Rule 59(e) relief.

KEY QUOTATIONS

“Under Rule 59(e), this Court may alter or amend based on “(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.””
(PageID# 182)

*“This Court is powerless to do so. Such relief is barred by the *Rooker/Feldman* abstention doctrine.”*
(PageID# 188-94)

“Mendez’s Rule 59(e) Motion does not demonstrate either a clear error of law or manifest injustice which are the grounds on which it rests.” (PageID# 198)

FACTUAL BACKGROUND

Mendez, the children's father, alleged that their mother, Keely Brandon, wrongfully retained the children in Kentucky rather than returning them to Japan, which he identified as their habitual residence. While a federal Hague Convention petition was pending, Mendez participated in a Kentucky state-court proceeding by filing

documents alleging wrongful retention and identifying the Convention issues, although he did not participate in the scheduled evidentiary hearing. The Hardin County Circuit Court denied his wrongful-retention claim and later dissolved the parties' marriage and awarded Brandon custody. The federal court had previously abstained and dismissed the federal action, prompting Mendez's Rule 59(e) motion.

PROCEDURAL HISTORY

Mendez filed a petition under the Hague Convention and the International Child Abduction Remedies Act seeking the return of his children to Japan. The court previously dismissed the action after abstaining under *Younger v. Harris* and *Colorado River Water Conservation District v. United States*, based in part on a parallel Hardin County, Kentucky, proceeding that had adjudicated Mendez's wrongful-retention claim and was entitled to full faith and credit under ICARA. Mendez then filed a Rule 59(e) motion, arguing clear legal error and manifest injustice. The court denied the motion and entered a final, appealable order.

DISPOSITION

other

CASES CITED

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976)
- *Brumley v. United Parcel Service, Inc.*, 909 F.3d 834, 841 (6th Cir. 2018)
- *Dorger v. Allstate Insurance Co.*, 2009 WL 2136268, at *1 (E.D. Ky. July 16, 2009)
- *Oto v. Metropolitan Life Insurance Co.*, 224 F.3d 601, 606 (7th Cir. 2000)
- *Roger Miller Music, Inc. v. Sony/ATV Publishing, LLC*, 477 F.3d 383, 395 (6th Cir. 2007)
- *Anderson v. Charter Township of Ypsilanti*, 266 F.3d 487, 492 (6th Cir. 2001)