

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, HARRISONBURG DIVISION

Ann Bailey v. Brian Bailey

Bailey · No. 5:25-cv-00132 · Decided May 12, 2026

SUMMARY

The United States District Court for the Western District of Virginia denied Brian Bailey’s motion for reconsideration of an order remanding removed Virginia child-custody, support, visitation, and contempt proceedings. The court held that the requested review was barred by the Rooker-Feldman doctrine and found no clear error, intervening change in law, or new evidence. The court also declined to clarify the prior remand order because Bailey’s related constitutional claims had been addressed in a separate § 1983 action.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Harrisonburg Division
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia, Harrisonburg Division
DECIDED	May 12, 2026
DOCKET	5:25-cv-00132
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Brian Bailey’s motion for reconsideration of its January 23, 2026 order remanding removed state-court proceedings for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 54(b), an interlocutory order may be revised before final judgment. Reconsideration is discretionary and may be warranted for an intervening change in controlling law, newly available evidence, or correction of a clear legal error or prevention of manifest injustice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brian Bailey v. Ann Bailey

TOPICS

motion for reconsideration

subject matter jurisdiction

civil procedure

section 1983

child custody

PRACTICE AREAS

civil procedure

civil rights

family law

QUESTIONS PRESENTED

1. Whether reconsideration of the remand order was warranted because the court allegedly misapplied the Rooker-Feldman doctrine.
2. Whether Bailey’s notice of removal presented independent federal constitutional claims that were not dependent on invalidating state-court judgments.
3. Whether the court should clarify that its remand order was jurisdictional only and did not adjudicate the merits of Bailey’s constitutional claims.

HOLDINGS

1. Reconsideration was not warranted because Bailey identified no intervening change in controlling law, newly available evidence, clear error of law, or manifest injustice.
2. Bailey’s requested removal and relief necessarily required federal review of the merits and effects of state-court decisions, so the claims were barred by the Rooker-Feldman doctrine.
3. The court declined to clarify the remand order because its separate decision addressing Bailey’s § 1983 claims spoke for itself.

KEY QUOTATIONS

“Thus, the court has discretion to depart from a previous ruling ‘(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice.’” (Standard of Review)

“In so doing, Bailey necessarily asked this court to review the merits of the state-court decision (and the Circuit Court appeal), as well as the decisions’ impacts on the subsequent contempt proceedings—a request that is barred by the Rooker-Feldman doctrine.” (Discussion)

FACTUAL BACKGROUND

Brian Bailey sought removal of pending Virginia state-court custody, visitation, support, contempt, and related enforcement proceedings, alleging unjust treatment, race-based discrimination, racial stereotyping, and procedural deficiencies. His removal papers challenged the state courts’ decision-making and the effects of their decisions on subsequent contempt proceedings. He later filed a separate action under 42 U.S.C. § 1983 concerning constitutional violations arising from the same state-court proceedings.

PROCEDURAL HISTORY

Brian Bailey removed multiple child-custody, support, visitation, and contempt proceedings from Virginia state courts under 28 U.S.C. § 1443(1). The federal court remanded the matter to the state Juvenile and Domestic

Relations Court under the Rooker-Feldman doctrine. Bailey moved for reconsideration, arguing that the removal sought adjudication of independent constitutional claims and that the prior ruling should be characterized as jurisdictional only. The court denied reconsideration.

DISPOSITION

other

CASES CITED

- Eramo v. Rolling Stone LLC, No. 3:15-CV-00023, 2016 WL 5942328, at *1 (W.D. Va. Oct. 11, 2016)
- Mayfield v. Nat’l Ass’n for Stock Car Auto Racing, Inc., 674 F.3d 369, 378 (4th Cir. 2012)
- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005)
- Reichert v. Hornbeck, No. 1:24-cv-01865-JMC, 2025 WL 487337, at *8 (D. Md. Feb. 13, 2025)
- Stinnie v. Holcomb, No. 3:16-cv-00044, 2017 WL 11615521, at *1–2 (W.D. Va. May 22, 2017)
- Bailey v. Ritchie, No. 5:25-cv-00141, 2026 WL 210416 (W.D. Va. Jan. 27, 2026)

OPINION

Bailey

PER CURIAM.

5/12/2026

IN THE UNITED STATES DISTRICT COURT BL camp
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION
ANN BAILEY,)

Plaintiff, Civil Action No. 5:25-cv-00132

v. MEMORANDUM OPINION

BRIAN BAILEY, é a/, By: | Hon. Thomas T. Cullen) United States District Judge Defendant.) On November 26, 2025, pro se Petitioner Brian Bailey filed a notice of removal under 28 USS.C. § 1443(1). (Pet’r’s Not. [ECF No. 1].) He sought removal of multiple child-custody, support, visitation, and contempt proceedings in the Juvenile & Domestic Relations Court (J&DR Court”) and Circuit Court of Rockingham County, Virginia, alleging that he was subjected to unjust treatment during those proceedings. (Id. J§ 5, 11-23.) On January 23, 2026, the court remanded the case back to the J&DR Court, finding that it lacked subject-matter jurisdiction under the Rooker-Feldman doctrine. (See Mem. Op., Jan. 23, 2026 (‘Remand Order’) [ECF No. 8].) This matter is now before the court on Bailey’s motion for reconsideration of that decision. (Pet’r’s Mot. [ECF No. 11].) For the following reasons, the court will deny the motion.

I. STANDARD OF REVIEW

Motions for reconsideration are not directly contemplated by the Federal Rules of Civil Procedure, but courts look to several rules for guidance. First, Rule 54(b) states: “[A]ny order or other

decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(b). Courts are also guided by Rules 59 and 60(b). *Eramo v. Rolling Stone LLC*, No. 3:15-CV-00023, 2016 WL 5942328, at

*1 (W.D. Va. Oct. 11, 2016) (citation omitted). "Thus, the court has discretion to depart from a previous ruling '(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice.'" *Id.* (alteration in original) (quoting *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012)).

II. DISCUSSION

Bailey contends that the court misapplied the Rooker-Felman doctrine, and he seeks to clarify that his "claims were not confined to appellate review of state-court judgments." (Pet'r's Mot. at 2.) But Bailey's argument misses the mark. In his notice of removal, Bailey sought to remove "all such custody, visitation, contempt, and related enforcement proceedings . . . presently pending in the Rockingham County [J&DR] Court," alleging various deficiencies of the J&DR court's decision-making process. (Pet'r's Not. at 1–2, 7.) In so doing, Bailey necessarily asked this court to review the merits of the state-court decision (and the Circuit Court appeal), as well as the decisions' impacts on the subsequent contempt proceedings—a request that is barred by the Rooker-Feldman doctrine. See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *Reichert v. Hornbeck*, No. 1:24-cv-01865-JMC, 2025 WL 487337, at *8 (D. Md. Feb. 13, 2025) (determining that a federal court lacks jurisdiction if a party's "success necessarily depends on a 'determination that the state court wrongly decided the issues before it'" (citation omitted)). At bottom, Bailey has not alleged a clear error of law, intervening changes in the controlling law, or new evidence that may warrant a different outcome. See *Eramo*, 2016 WL 5942328, at *1; *Stinnie v. Holcomb*, No. 3:16-cv-00044, 2017 WL 11615521, at *1–2 (W.D. Va. May 22, 2017). To be sure, Bailey alleged in his notice of removal that the state-court proceedings were "infected" with race-based discrimination and racial stereotyping. (Pet'r's Not. ¶¶ 14–23.) He now argues that the court "overlooked independent federal claims alleging constitutional injury arising from extra-judicial conduct and procedural irregularities." (Pet'r's Mot. at 4 (arguing that his notice "sought adjudication of whether constitutional guarantees were violated through reliance on dismissed accusations and stigmatizing conduct").) Just days after filing his notice of removal, Bailey filed a separate action under 42 U.S.C. § 1983, alleging constitutional violations, including racial discrimination, arising from the same state-court proceedings. (See Compl. [Case No. 5:25-cv-00141, ECF No. 1].) The court hardly overlooked these claims; rather, it considered—and dismissed—them in a separate, but related, proceeding. See *Bailey v. Ritchie*, No. 5:25-cv-00141, 2026 WL 210416 (W.D. Va. Jan. 27, 2026). Finally, Bailey asks the court to alternatively "clarify the scope of" its Remand Order and hold that the ruling was "jurisdictional only"; that is, that the

ruling “did not adjudicate the merits of [Bailey’s] constitutional claims.”¹ (Pet’r’s Mot. at 5.) The court declines to do so, as its prior decision on Bailey’s § 1983 claims speaks for itself.

III. CONCLUSION

For the foregoing reasons, Bailey’s motion for reconsideration will be denied. 1 Bailey also makes this request so that the Remand Order will “not preclude future federal review of independent federal claims that are not predicated on invalidating state-court judgments.” (Pet’r’s Mot. at 5.) The Clerk is directed to forward a copy of this Memorandum Opinion and the accompanying Order to all counsel of record. ENTERED this 12th day of May, 2026. /s/ Thomas T. Cullen

HON. THOMAS T. CULLEN

UNITED STATES DISTRICT JUDGE

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