

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Guarino v. Larsen

821 F. Supp. 1060 (E.D. Pa. 1993) · Decided April 28, 1993

SUMMARY

The court denied defendants’ motion under Federal Rule of Civil Procedure 62(c) to suspend pending appeal an injunction requiring the reinstatement of Judge Guarino to senior-judge status. It concluded that defendants had not shown a likelihood of success on the merits, irreparable injury absent a stay, or that the public interest favored suspension of the injunction.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Raymond J. Broderick
JURISDICTION	Pennsylvania
DECIDED	April 28, 1993
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 62(c) to suspend, pending appeal, the injunction entered by the court's April 16, 1993 order.
STANDARD OF REVIEW	Discretionary stay analysis under Federal Rule of Civil Procedure 62(c), applying the four Hilton factors: likelihood of success on the merits, irreparable injury to the stay applicant, substantial injury to other interested parties, and the public interest.
PRECEDENTIAL VALUE	Published district court memorandum opinion

TOPICS

- injunctions
- appellate procedure
- civil procedure
- due process
- constitutional law

PRACTICE AREAS

- civil procedure
- constitutional law
- civil rights
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether defendants were entitled under Federal Rule of Civil Procedure 62(c) to suspend the district court's injunction pending appeal.
2. Whether defendants had shown a strong likelihood of success on appeal concerning the district court's jurisdiction under the Rooker-Feldman doctrine.
3. Whether Younger abstention required the district court to refrain from exercising jurisdiction.
4. Whether Judge Guarino lacked a constitutionally protected property interest in his senior-judge assignment.
5. Whether the remaining stay factors—irreparable injury to defendants, substantial harm to Guarino, and the public interest—favored suspension of the injunction.

HOLDINGS

1. A stay pending appeal was unwarranted because defendants failed to carry their burden on each of the four stay factors.
2. The Rooker-Feldman doctrine did not bar federal jurisdiction because Justice Larsen's order removing Guarino was an administrative, non-adjudicative act rather than a state-court adjudication.
3. Younger abstention was inapplicable because the challenged removal was an administrative act and there was no ongoing judicial proceeding in which Guarino had an adequate opportunity to raise his constitutional claims.
4. Judge Guarino possessed a constitutionally protected property interest in his senior-judge assignment and could not be suspended, removed, disciplined, or compulsorily retired without due process.

KEY QUOTATIONS

“The Court, therefore, will deny defendant’s motion to suspend, pending appeal, the injunction ordered by this Court in its Order of April 16, 1993.” (1067)

“It was an administrative, non-adjudicative act, review of which by this Court is not barred by the Rooker-Feldman doctrine.” (1063)

“The Younger abstention doctrine is, in the words of Mr. Justice Marshall, “inapplicable” to this case.” (1064)

FACTUAL BACKGROUND

Pennsylvania Supreme Court Justice Rolf Larsen revoked Judge Guarino's assignment as a senior judge during a felony trial, ordered him to leave the bench, and did so without prior notice of charges or an opportunity to respond. The district court previously found that the action violated Guarino's constitutional rights and enjoined defendants to reinstate him and not deny subsequent assignments based on allegations concerning jury selection unless those allegations were referred to the Judicial Inquiry and Review Board and evaluated by the Pennsylvania Supreme Court. Guarino remained eligible for senior-judge assignment, had not revoked his certification of availability, and his services continued to be requested amid a substantial inventory of criminal cases.

PROCEDURAL HISTORY

The district court previously held that Judge Guarino's constitutional rights were violated when his senior-judge assignment was revoked without prior notice or an opportunity to respond, and entered an injunction requiring his reinstatement and regulating future assignment decisions. Defendants appealed and sought a stay or suspension of that injunction pending appeal. The district court denied the motion after applying the four-factor stay standard.

DISPOSITION

other

CASES CITED

- *Hilton v. Braunskill*, 481 U.S. 770 (1987)
- *Blake v. Papadakos*, 953 F.2d 68 (3d Cir. 1992)
- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423 (1982)