

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Rheta Negrete-Neal, et al. v. Anthony Luraschi, Executor of the
Estate of John Bellisomi, et al.

Negrete-Neal v. Luraschi · No. No. 2:24-cv-02285-TLP-atc · Decided March 26, 2026

SUMMARY

The United States District Court for the Western District of Tennessee adopts a magistrate judge’s Report and Recommendation and dismisses the plaintiffs’ amended complaint with prejudice. The court concludes that the probate exception to federal jurisdiction and the Rooker-Feldman doctrine deprive it of subject matter jurisdiction because the plaintiffs seek to relitigate state probate proceedings and determine rights in disputed estate property. No party objected to the Report and Recommendation, so the court reviewed it for clear error.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	March 26, 2026
DOCKET	No. 2:24-cv-02285-TLP-atc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed an amended federal complaint seeking, among other relief, declarations concerning estate interests, partition of real property, and damages. After a magistrate judge recommended dismissal for lack of subject matter jurisdiction, no party objected, and the district court reviewed the recommendation for clear error, adopted it, and dismissed the action with prejudice.
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's report and recommendation under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown; unpublished district court order
PARTIES	Rheta Negrete-Neal, Anna Neal Negrete, Ana Soto, Dolora Hiura, Randal Robin Negrete v. Anthony Luraschi, Executor of the Estate of

TOPICS

subject matter jurisdiction

probate

probate procedure

appellate procedure

civil procedure

PRACTICE AREAS

Civil procedure

Probate

Real estate

Appellate procedure

QUESTIONS PRESENTED

1. Whether the probate exception to federal jurisdiction deprived the district court of subject matter jurisdiction over plaintiffs' claims seeking to determine interests in estate property and partition disputed parcels.
2. Whether the Rooker-Feldman doctrine deprived the district court of subject matter jurisdiction because plaintiffs' claims were the functional equivalent of an appeal or collateral attack on Shelby County Probate Court judgments.
3. Whether the magistrate judge's report and recommendation should be adopted when no party filed objections and the district court found no clear error.

HOLDINGS

1. The probate exception deprived the district court of subject matter jurisdiction because plaintiffs sought relief that would disturb or affect property in the custody or control of state probate proceedings, including a declaration of estate interests and partition of the disputed parcels.
2. The Rooker-Feldman doctrine deprived the district court of subject matter jurisdiction because plaintiffs were state-court losers complaining of injuries caused by probate-court judgments and sought relief that was the functional equivalent of an appeal or collateral attack on those judgments.
3. The district court adopted the magistrate judge's report and recommendation after finding no clear error because no party filed objections within fourteen days.

KEY QUOTATIONS

“the probate exception does not necessarily apply when the plaintiff adequately alleges in personam federal jurisdiction over a defendant that is distinct from the underlying in rem state probate matter, but it does apply when the plaintiff seeks in rem jurisdiction over the assets of an estate.” (ECF No. 61 at PageID 383)

“When the claims in a subsequent federal case essentially seek to set aside a state-court judgment and are ‘the functional equivalent of an appeal from a state court judgment,’ the Rooker–Feldman doctrine applies, and the federal court lacks subject matter jurisdiction.” (ECF No. 61 at PageID 387)

FACTUAL BACKGROUND

Plaintiffs sought to relitigate state probate proceedings involving parcels of land near Memphis Airport that had belonged to Frank Bellisomi, who died in 1996. Plaintiffs alleged that Frank's will was probated in Shelby

County in 2006, resulting in the property being awarded to John Bellisomi, and that after John's death in 2020, defendants sold or sought to administer the parcels for the benefit of John's heirs. In federal court, plaintiffs claimed interests as co-owners or heirs and requested declarations regarding estate percentages, partition of the parcels, an implied contract, and damages.

PROCEDURAL HISTORY

Plaintiffs filed suit in May 2024, and the district court later ordered them to amend their complaint. After the amended complaint was filed, several defendants moved to dismiss. Magistrate Judge Annie T. Christoff issued a report and recommendation concluding that the probate exception and the Rooker-Feldman doctrine deprived the court of subject matter jurisdiction. No party objected within the applicable fourteen-day period, and the district court found no clear error, adopted the recommendation, and dismissed the claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Johnson, 157 F.4th 813, 818-19 (6th Cir. 2025)
- Vickie Lynn Marshall v. E. Pierce Marshall, Marshall v. Marshall, 547 U.S. 293, 311-12 (2006)
- Wisecarver v. Moore, 489 F.3d 747, 750 (6th Cir. 2007)
- Harvison v. Little, No. 1:22-cv-01103-JDB-jay, 2023 WL 3147905, at *2 (W.D. Tenn. Apr. 28, 2023)
- Larry E. Parrish, P.C. v. Bennett, 989 F.3d 452, 455-56 (6th Cir. 2021)
- VanderKodde v. Mary Jane M. Elliott, P.C., 951 F.3d 397, 402 (6th Cir. 2020)
- Untied v. CIT Grp. Consumer Fin., Inc., 23 F. App'x 233, 234-35 (6th Cir. 2001)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION RHETA NEGRETE-NEAL, et al.,)) Plaintiffs,)) No. 2:24-cv-02285-TLP-atc v.)) J URY DEMAND ANTHONY LURASCHI, Executor of the) Estate of John Bellisomi, et al.,)) Defendants.) ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS COMPLAINT Pro se Plaintiffs Rheta Negrete-Neal, Anna Neal Negrete, Ana Soto, Dolora Hiura, and Randal Robin Negrete sued many Defendants seeking to relitigate the decisions of a probate court about property once owned by their grandfather.

(See ECF No. 1.) Under Administrative Order No. 2013-05, this Court referred the case to Magistrate Judge Annie T. Christoff to manage all pretrial matters. Plaintiffs amended their Complaint. (ECF No. 44.) Judge Christoff issued a Report and Recommendation (“R&R”) recommending that the Court dismiss the Amended Complaint. (ECF No. 61.)

In the R&R, Judge Christoff notified the parties that they had 14 days to object to the R&R. None of the parties objected. In the R&R, Judge Christoff recommends dismissing Plaintiffs' Amended Complaint for lack of subject matter jurisdiction. (Id.)

For the reasons below, this Court ADOPTS the R&R. BACKGROUND AND THE R&R Plaintiff sued here in May 2024. (ECF No. 1.) Several Defendants moved to dismiss the Complaint. (ECF Nos. 19–21, 33, 35.) The Court ordered Plaintiffs to amend their Complaint and Defendants to respond in July 2025. (ECF No. 41.) Plaintiffs waited to amend their Complaint until August 2025.

(ECF No. 44.) Several Defendants responded by moving to dismiss. (ECF Nos. 44, 47–49.) In her R&R, Judge Christoff noted that Plaintiffs are trying to relitigate a probate court decision. (ECF No. 61.) She then concluded that both the probate exception to federal jurisdiction and the Rooker-Feldman doctrine deprive the Court of subject matter jurisdiction here.

(Id.) LEGAL STANDARD A magistrate judge may submit to a district court judge proposed findings of fact and recommendations for deciding pretrial matters. 28 U.S.C. § 636(b)(1)(A)–(B). And “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed.

R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). If the parties do not object, the district court reviews the R&R for clear error. Fed. R. Civ. P. 72(b) advisory committee notes. And the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

Because no party objects, the Court reviews the R&R for clear error. DISPOSITION Having reviewed the record, the Court finds no clear error in Judge Christoff's R&R. In fact, the Court agrees with her well-reasoned analysis.

First, the Court agrees with Judge Christoff that “the precise nature of Plaintiffs' allegations and claims in the Complaint are quite difficult to parse....” (ECF No. 61 at PageID. 377.) “The crux of their case is a challenge to the disposition of various parcels of land located close to the Memphis Airport that were once owned by Frank Bellisomi, who died on October 29, 1996.” (Id.)

But in the Amended Complaint, Plaintiffs clarify somewhat. (See ECF No. 44.) Judge Christoff describes the ongoing property dispute in the R&R. They contend that, following the death of Frank Bellisomi, John Bellisomi and his attorneys probated Frank's Will in Shelby County in 2006, which resulted in the disputed parcels of property being awarded to John. Over the decades that followed, Plaintiffs allege that John Bellisomi controlled the property and that, following his death in 2020, Defendants conspired to sell the disputed parcels for the benefit of John's heirs beginning in 2021...

Giving the Amended Complaint the most generous reading possible, Plaintiffs appear to contend that John Bellisomi and the Heir Defendants have been unjustly enriched by the probating of Frank Bellisomi's Will in Probate Court in 2006, which resulted in the disputed parcels of property being awarded to John, and the subsequent muniment-of-title action in 2021, which resulted in the disputed parcels being awarded to the Heir [Defendants]...

With respect to the Attorney Defendants, Plaintiffs assert that they conspired to obtain these results for John Bellisomi and the Heir Defendants in Probate Court and that the Attorney Defendants breached an alleged duty that they owed to Plaintiffs in these state court proceedings. (ECF No. 61 at PageID 379–80.) Plaintiffs seek a declaratory judgment determining “what percentages, if any, of the Estate of John Bellisomi must be awarded to Plaintiffs.” (ECF No. 44 at PageID 265.)

They also seek an implied contract relating to Frank and John Bellisomi's estates and the various periods of ownership of the disputed parcels. (Id. at PageID 265–67.) They seek a partition of the disputed parcels without forced sale “according to the respective rights and interests of the parties....” (Id. at PageID 273–74.) And they seek damages. (Id.) Judge Christoff is correct that Plaintiffs are trying to relitigate probate proceedings in federal court, which is precluded by both the probate exception to federal jurisdiction and the Rooker-Feldman Doctrine. “The probate exception reserves to state probate courts the probate or annulment of a will and the administration of a decedent's estate; it also precludes federal courts from endeavoring to dispose of property that is in the custody of a state probate court.” *Johnson v. Johnson*, 157 F.4th 813, 818 (6th Cir.

2025) (quoting *Marshall v. Marshall*, 547 U.S. 293, 311–12 (2006)). Judge Christoff explains that “the probate exception does not necessarily apply when the plaintiff adequately alleges in personam federal jurisdiction over a defendant that is distinct from the underlying in rem state probate matter, but it does apply when the plaintiff seeks in rem jurisdiction over the assets of an estate.” (ECF No. 61 at PageID 383.)

And so if it is unclear whether the Court is being asked to exercise in personam or in rem jurisdiction, the Court must assess “whether the suit ‘would require the district court to disturb or affect the possession of property in the custody of a state court.’” *Johnson*, 157 F.4th at 819 (quoting *Wisecarver v. Moore*, 489 F.3d 747, 750 (6th Cir. 2007)).

In the end the Court agrees with Judge Christoff that Plaintiffs here are seeking relief that would “disturb or affect the possession of [the] property.” Id. Plaintiffs seek “a declaratory judgment determining ‘what percentages, if any, of the Estate of John Bellisomi must be awarded to Plaintiffs’ and the partition of the disputed parcels—because ‘[a]ll the subject property herein belongs to Plaintiffs’—that would ‘ascertain[] all rights of the parties’ as to the parcels.” (ECF No. 61 at PageID 384 (quoting (ECF No. 44 at PageID 263–73.)))

The probate exception to federal jurisdiction therefore deprives the Court of subject matter jurisdiction over this case. “The Rooker–Feldman doctrine prohibits federal district courts from ‘consider[ing] cases brought by state-court losers complaining of injuries caused by state-court judgments.’” *Harvison v. Little*, No.: 1:22-cv01103-JDB-jay, 2023 WL 3147905, at *2 (W.D.

Tenn. Apr. 28, 2023) (quoting *Larry E. Parrish, P.C. v. Bennett*, 989 F.3d 452, 455–56 (6th Cir. 2021)). “To ascertain whether the doctrine applies, the Court ‘look[s] to the source of the injury the plaintiff alleges in the federal complaint.’” *Id.* (quoting *VanderKodde v. Mary Jane M. Elliott*, P.C., 951 F.3d 397, 402 (6th Cir. 2020)).

As Judge Christoff correctly explains, “[w]hen the claims in a subsequent federal case essentially seek to set aside a state-court judgment and are ‘the functional equivalent of an appeal from a state court judgment,’ the Rooker–Feldman doctrine applies, and the federal court lacks subject matter jurisdiction.” (ECF No. 61 at PageID 387 (quoting *Untied v. CIT Grp.*

Consumer Fin., Inc., 23 F. App’x 233, 234–35 (6th Cir. 2001)). The Court agrees that “this case is the functional equivalent of an appeal from the Shelby County Probate Court proceedings and an attempt to collaterally attack issues that have been determined by the state court, as Plaintiffs ultimately seek a partition of the disputed parcels and for this Court to effectively re-administer the estates of Frank and John Bellisomi.” (*Id.* at PageID 388.)

Plaintiffs argue that they are co-owners and heirs of the disputed parcels of land. (ECF No. 52 at PageID 336.) This directly contradicts the 2006 Shelby County Probate Court ruling on Frank Bellisomi’s will and the 2021 ruling on John Bellisomi’s will. (See ECF No. 44; ECF No. 58 at PageID 363–66.)

The correct avenue of relief for Plaintiffs was a direct appeal of the probate court decisions within the state court system, not inviting this Court to sit as a state appellate court. Thus Rooker–Feldman doctrine also deprives this Court of subject matter jurisdiction over this case. With the above in mind, the Court agrees with Judge Christoff that this Court lacks subject matter jurisdiction over this case.

And having found no clear error, the Court ADOPTS the R&R recommending dismissal of this action. CONCLUSION The Court has reviewed Judge Christoff’s R&R and finds no clear error. And so the Court ADOPTS the R&R. Accordingly, the Court DISMISSES Plaintiffs’ claims WITH PREJUDICE. SO ORDERED, this 26th day of March, 2026. s/Thomas L. Parker
THOMAS L. PARKER UNITED STATES DISTRICT JUDGE