

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PRECEDENTIAL VALUE	Unknown; unpublished district court order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)