

NOT PRECEDENTIAL

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

No. 19-1821

LISA M. BROWN

v.

**JASON L. BROWN,
Appellant**

**On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 3-19-cv-00404)
District Judge: Honorable Malachy E. Mannion**

**Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
August 23, 2019
Before: KRAUSE, SCIRICA and NYGAARD, Circuit Judges
(Opinion filed: August 26, 2019)**

OPINION*

PER CURIAM

On March 7, 2019, Jason L. Brown commenced an action in the District Court by

*** This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.**

filings a “notice of appeal in a civil case.” The matter was referred to a Magistrate Judge who recommended that it be dismissed under the Rooker-Feldman¹ doctrine because Brown was attempting to appeal from a state-court judgment.² The District Court agreed and dismissed the case for lack of jurisdiction. Brown timely appealed.

We exercise de novo review over the question of subject-matter jurisdiction. PennMont Secs. v. Frucher, 586 F.3d 242, 245 (3d Cir. 2009); see also United States v. Apple MacPro Computer, 851 F.3d 238, 244 (3d Cir. 2017). We have jurisdiction under 28 U.S.C. § 1291.

We agree with the District Court that it lacked jurisdiction over Brown’s case. In his brief on appeal, Brown makes clear that he is seeking review of a domestic-relations order entered by the Court of Common Pleas of Schuylkill County.³ As the Magistrate Judge correctly concluded, however, the Rooker-Feldman doctrine strips federal courts of jurisdiction over controversies “that are essentially appeals from state-court judgments.” Great W. Mining & Mineral Co. v. Fox Rothschild LLP, 615 F.3d 159, 165 (3d Cir. 2010); see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284

¹ See Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983).

² Brown did not file objections to the Report and Recommendation pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure.

³ Based on the documents that Brown attached to his “notice of appeal in a civil case,” it appears that this judgment was affirmed by the Superior Court of Pennsylvania and that the Supreme Court of Pennsylvania subsequently denied allocatur.

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JUDGMENT

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on August 23, 2019. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered April 9, 2019, be and the same is hereby affirmed. Costs will not be taxed. All of the above in accordance with the opinion of this Court.

ATTEST:



s/ Patricia S. Dodszuweit
Clerk

Dated: August 26, 2019

*Certified true copy and issued in lieu
of a formal mandate on 09/17/2019*

Teste: *Patricia S. Dodszuweit*
Clerk, U.S. Court of Appeals for the Third Circuit

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LISA M. BROWN :
Plaintiff : CIVIL ACTION NO. 3:19-404
v. : (JUDGE MANNION)
JASON L. BROWN :
Defendant :

ORDER

Presently before the court is the report and recommendation ("Report") of Magistrate Judge Susan E. Schwab (Doc. 3), which recommends that this case be dismissed for lack of jurisdiction. Neither party has filed objections to the Report. Upon review of the Report and related materials, the Report of Judge Schwab will be **ADOPTED IN ITS ENTIRETY**.

When no objections are made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern. Inc.*, 702 F.Supp.2d 465, 469 (2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept

or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. L.R. 72.3.

On March 7, 2019, the plaintiff filed a notice of removal, which appears to request an appeal of a previous denial of an appeal by the Supreme Court of Pennsylvania. (Doc. 1). A federal district court may not exercise appellate jurisdiction over state-court judgments. This court finds that Judge Schwab used proper reasoning and evidence to support her Report and arrive at a legally-sound conclusion. As such, Judge Schwab's Report is adopted in its entirety as the opinion of this court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) the Report of Judge Schwab (Doc. 3) is ADOPTED IN ITS ENTIRETY;**
- (2) the above-captioned case is DISMISSED for lack of subject-matter jurisdiction; and**
- (3) the Clerk of Court is directed to CLOSE THIS CASE.**

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: April 9, 2019

19-404-01

**Additional material
from this filing is
available in the
Clerk's Office.**