

Appendix A

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

No: 23-3092

Joseph Daryll Rued, et al.

Appellants

v.

Judge Charlene W. Hatcher, Hennepin County
District Court, et al.

Appellees

Appeal from U.S. District Court District of Minnesota
(0:23-cv-02685-NEB)

ORDER

The petition for rehearing en banc is denied.
The petition for rehearing by the panel is also denied.

November 15, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix B

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

No: 23-3092

Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Plaintiffs-Appellants

v.

Judge Charlene W. Hatcher, Hennepin County
District Court; Jennifer L Frisch, Minnesota Court of
Appeals Judicial Officer; Sarah I. Wheelock,
Minnesota Court of Appeals Judicial Officer; Randall
J. Slieter, Minnesota Court of Appeals Judicial
Officer; Referee Mike Furnstahl, Hennepin County
District Court; Referee Richard A. Stebbins,
Hennepin County District Court; Judge Charles
Webber, Scott County District Court; Chief Justice
Lorie Skjerven Gildea, Minnesota Supreme Court;
Peter M. Reyes, Jr., Minnesota Court of Appeals
Judicial Officer; Chief Judge Susan M. Segal,
Minnesota Court of Appeals; Denise D. Reilly,
Minnesota Court of Appeals Judicial Officer;
Theodora Gatas, Minnesota Court of Appeals Judicial
Officer; Tracy M. Smith, Minnesota Court of Appeals
Judicial Officer; Jeanne M. Cochran, Minnesota
Court of Appeals Judicial Officer; Judge Nelson L.
Peralta, Hennepin County District Court; Judge
Christian M. Sande, Hennepin County District Court;
Lucinda E. Jesson, Minnesota Court of Appeals
Judicial Officer; Renee L. Worke, Minnesota Court of
Appeals Judicial Officer

Defendants-Appellees

Appeal from U.S. District Court District of Minnesota
(0:23-cv-02685-NEB)

JUDGEMENT

Before SHEPHERD, GRASZ, and STRAS, Circuit
Judges.

This court has reviewed the original file of the
United States District Court. It is ordered by the
court that the judgment of the district court is
summarily affirmed. See Eighth Circuit Rule 47A(a).
The motion for stay and injunction pending appeal is
denied as moot.

October 10, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix C

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

No: 23-3092

Joseph Daryll Rued, et al.

Appellants

v.

Judge Charlene W. Hatcher, Hennepin County
District Court, et al.

Appellees

Appeal from U.S. District Court District of Minnesota
(0:23-cv-02685-NEB)

MANDATE

In accordance with the judgment of October 10, 2023, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above- styled matter.

November 22, 2023

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix D

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOSEPH DARYLL RUED; W.O.R., Minor Child;
SCOTT DARYLL RUED; AND LEAH JEAN RUED,

Plaintiffs,

v.

JUDGE CHARLENE W. HATCHER, Hennepin
County District Court, et al.,

Defendants.

Case No. 23-CV-2685 (NEB/DJF)

**ORDER ON MOTION TO STAY AND MOTION
FOR INJUNCTION PENDING APPEAL**

After losing a contentious custody battle, plaintiffs filed this action in federal court to challenge the validity of the state court proceedings and sought a preliminary injunction. (ECF Nos. 1–2.) The Court dismissed the action for lack of subject-matter jurisdiction and denied plaintiffs’ motion for preliminary injunctive relief. (ECF No. 40.) Plaintiffs filed a notice of appeal and now seek a stay of this action and an injunction pending appeal. (ECF No. 43.) Because the Court lacks subject-matter jurisdiction over this action, plaintiffs’ motions must be denied as moot.

Based on the foregoing and on all the files, records, and proceedings herein,

Motion to Stay and Motion for Injunction
Pending Appeal (ECF No. 43) is DENIED.

Dated: September 20, 2023 BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States
District Judge

Appendix E

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOSEPH DARYLL RUED; W.O.R., Minor Child;
SCOTT DARYLL RUED; AND LEAH JEAN RUED,

Plaintiffs,

v.

JUDGE CHARLENE W. HATCHER, Hennepin
County District Court, et al.,

Defendants.

Case No. 23-CV-2685 (NEB/DJF)

ORDER OF DISMISSAL

Plaintiff Joseph Daryll Rued lost an acrimonious custody battle in Minnesota state court. A Hennepin County District Court found that Rued and his parents, plaintiffs Scott Daryll Rued and Leah Jean Rued, engaged in “unreasonable,” “frivolous,” and “disturbing” conduct during the proceedings and awarded Rued’s ex-wife sole custody of the parties’ minor child, W.O.R. See *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *19 (Minn. Ct. App. June 27, 2022) (internal quotation marks omitted). Dissatisfied with the results of those proceedings, Rued and his parents bring this action in federal court against every state court judicial officer to come in contact with the custody proceedings, alleging that the custody orders violate their federal constitutional rights. The Rueds ask this Court to enjoin the state court judges to vacate the custody orders with which they disagree.¹ The Court has reviewed the matter for subject-matter jurisdiction purposes. Since subject-matter jurisdiction does not exist, the Court dismisses the action on its own motion.

As an initial matter, the Rueds, who are proceeding *pro se* in this matter, purport to also represent the minor child who is the focus of the custody proceedings. (See ECF No. 1 (“Compl.”) at 1 (listing minor child W.O.R. in the complaint as a plaintiff).) “Non-attorney parents cannot litigate *pro se* on behalf of their minor children, even if the minors cannot then bring the claim themselves.” *Crozier for A.C. v. Westside Community School Dist.*, 973 F.3d 882, 887 (8th Cir. 2020) (citations omitted). The Rueds are not authorized to practice law, so they may not litigate *pro se* on behalf of the child in this matter.

¹ Because the Court ultimately concludes that it lacks jurisdiction over this action, it will not reach the question whether this action is “being presented for any improper purpose such as to harass” the defendants. Fed. R. Civ. P. 11(b)(1); *see Rued v. Rued*, No. A21-0798, 2022WL 2298992, at *18 (Minn. Ct. App. June 27, 2022) (noting the findings of the district court that “[i]t was obvious that [Rued] was trying to bankrupt [his ex-wife] in hopes that her attorney would withdraw for nonpayment”) (internal quotation marks omitted). Nor does the court reach the question of whether there is any non-frivolous basis upon which the Rueds could possibly seek monetary relief from the state court judicial officers, *see Stump v. Sparkman*, 435 U.S. 349 (1978), as the Rueds have to this point only blustered about bringing such claims. (*See* Compl. At 9 (stating the Rueds “expect the relief sought in this proceeding to be assented to and agreed to by each defendant and, in such case [the Rueds] will not seek monetary restitution against any defendant personally”).) [sic]

In any event, the Court lacks jurisdiction over this action. “The *Rooker-Feldman* doctrine provides that, with the exception of habeas corpus petitions, lower federal courts lack subject matter jurisdiction over challenges to state court judgments.” *Mosby v. Ligon*, 418 F.3d 927, 931 (8th Cir. 2005) (internal quotation marks and citation omitted). The scope of the *Rooker-Feldman* doctrine has been somewhat curtailed in recent years, but the core of that doctrine remains: A party cannot in effect take an appeal of an unfavorable state court decision to a federal district court. *Lance v. Dennis*, 546 U.S. 459, 466 (2016) [sic].

The Rueds do not describe this action as an appeal, but that is what it is. Believing the state court decisions to be in error for various reasons, the Rueds claim the rulings violated their constitutional rights and ask this Court to step in and direct the state court judges to vacate their prior orders. This Court lacks jurisdiction to entertain such a request and dismisses this action accordingly. *See Bechtold v. City of Rosemount*, 104 F.3d 1062, 1065 (8th Cir. 1997) (noting that “a litigant cannot circumvent *Rooker-Feldman* by recasting his or her lawsuit as a [42 U.S.C] § 1983 action.”); Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). Further, because this action must be dismissed for lack of subject matter jurisdiction, the Rueds’ motion for preliminary injunctive relief will be denied.

CONCLUSION

Based on the foregoing and on all the files, record, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Plaintiffs' Complaint (ECF No. 1), be
DISMISSED WITHOUT PREJUDICE.
2. Plaintiffs' Motion for a Preliminary
Injunction (ECF No. 2), be **DENIED.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 7, 2023

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States
District Judge

Appendix F

**UNITED STATES DISTRICT COURT
District of Minnesota**

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, Leah
Jean Rued, Plaintiffs,

v.

Judge Charlene W. Hatcher, Jennifer L. Frisch,
Sarah I. Wheelock, Randall J. Slieter, Referee Mike
Furnstahl, Referee Richard A. Stebbins, Judge
Charles Webber, Chief Justice Lorie Skjerven Gildea,
Peter M. Reyes, Jr., Chief Judge Susan M. Segal,
Denise D. Reilly, Theodora Gatas, Tracy M. Smith,
Jeanne M. Cochran, Judge Nelson L. Peralta, Judge
Christian M. Sande, Lucinda E. Jesson, Renee L.
Worke, Defendants.

JUDGEMENT IN A CIVIL CASE

Case Number 23-cv-2685 NEB/DJF

Decision by Court. This action came to trial or
hearing before the Court. The issues have been tried
or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiffs' Complaint (ECF No. 1), be **DISMISSED
WITHOUT PREJUDICE**.
2. Plaintiffs' Motion for a Preliminary Injunction
(ECF No. 2), be **DENIED**.

Date: 9/8/2023 KATE M. FOGARTY, CLERK

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