

BEHR V. CAMPBELL: ROOKER-FELDMAN IS SIMPLE AND NARROW: ELEVENTH CIRCUIT REVERSES DISTRICT COURT DISMISSAL OF FEDERAL CLAIMS ARISING FROM STATE CUSTODY CASE

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In *Behr v. Campbell*, the United States Court of Appeals for the Eleventh Circuit provided guidance regarding the proper application of the *Rooker-Feldman* doctrine, which bars appeals of state court judgments to federal district courts.¹ The plaintiffs, a father and two of his children, filed suit in the United States District Court for the Southern District of Florida alleging both federal and state law claims against his ex-wife, the Palm Beach County School District, the Palm Beach County Department of Children and Families, and various other defendants.² Because the claims were related to a state custody action, the district court dismissed the entire complaint with prejudice under the *Rooker-Feldman* doctrine.³ On appeal, the Eleventh Circuit reversed the district court's decision, holding that three of the plaintiffs' claims should not have been dismissed because they were not appeals of state court judgments.⁴

Louis Behr lost custody of two of his children after a series of child custody interventions and state proceedings.⁵ Mr. Behr and his other two children "filed a 30-count pro se complaint in federal district court asserting a wide variety of constitutional, statutory, and tort claims against 18 named defendants."⁶ The district court determined that the claims were "related to the Behrs' earlier state court litigation" and "dismissed the entire complaint on *Rooker-Feldman* grounds."⁷ Reviewing the district court's decision de novo, the Eleventh Circuit addressed whether the district court erred in dismissing the entire complaint citing a lack of subject-matter jurisdiction under the *Rooker-Feldman* doctrine.⁸

The court began its opinion by explaining that although "*Rooker-Feldman* is a narrow jurisdictional doctrine," the court's own application "has been unrestrained to say the least, sometimes leading to dismissal of any

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¹ *Behr v. Campbell*, 8 F.4th 1206 (11th Cir. 2021).

² *Id.* at 1208–09.

³ *Id.* at 1209.

⁴ *Id.* at 1214–15.

⁵ *Id.* at 1208–09.

⁶ *Id.* at 1208.

⁷ *Behr*, 8 F.4th at 1208.

⁸ *Id.* at 1209.

claim that even touches on a previous state court action.”⁹ Taking an apologetic tone, the court admitted that over several decades, it “built *Rooker-Feldman* into a sweeping jurisdictional doctrine” that “bar[red] federal courts’ consideration of ‘all federal claims which were, or should have been, central to the state court decision, even if those claims seek a form of relief that might not have been available from the state court.’”¹⁰ The court described this as an “inflated view of the doctrine” that was a “misunderstanding” corrected by the Supreme Court in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*¹¹ In *Exxon Mobil*, the Supreme Court clarified that the doctrine occupies a “narrow ground,” and can be stated simply: state court litigants “cannot come to federal district courts ‘complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.’”¹²

The Eleventh Circuit explained the rule “follows naturally from the jurisdictional boundaries that Congress has set for the federal [district] courts,” which are courts of original jurisdiction that, as a general rule, cannot hear appeals.¹³ Thus, the doctrine is based explicitly on statutory limitations of jurisdiction.¹⁴ The court’s previously inflated view of *Rooker-Feldman* went beyond the doctrine’s proper scope, which is that a claim should be dismissed “[o]nly when a losing state court litigant calls on a district court to modify or overturn an injurious state-court *judgment*”¹⁵ It does not “prevent a ‘district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court.’”¹⁶

But, the court cautioned against “state court loser[s]” who file direct appeals to federal courts by “cleverly cloaking” their pleadings in the “cloth of a different claim.”¹⁷ To illustrate this concern, the court referred to the facts of *District of Columbia Court of Appeals v. Feldman*, where the plaintiffs not only asked the district court to overturn a state court’s judgment, but also to “declare that the state court acted ‘arbitrarily and capriciously’ by

⁹ *Id.* at 1208.

¹⁰ *Id.* at 1209 (quoting *Goodman ex rel. Goodman v. Sipos*, 259 F.3d 1327, 1333 (11th Cir. 2001)).

¹¹ *Id.* (citing *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005)).

¹² *Id.* at 1209–10 (quoting *Exxon Mobil*, 544 U.S. at 284).

¹³ *Behr*, 8 F.4th at 1210.

¹⁴ *Id.*

¹⁵ *Id.* (quoting *Exxon Mobil*, 544 U.S. at 292–93) (emphasis added) (internal quotations omitted).

¹⁶ *Id.* at 1211 (quoting *Nicholson v. Shafe*, 558 F.3d 1266, 1274 (11th Cir. 2009) (quoting *Exxon Mobil*, 544 U.S. at 293)).

¹⁷ *Id.* (quoting *May v. Morgan Cnty.*, 878 F.3d 1001, 1005 (11th Cir. 2017)).

denying their claim.”¹⁸ Although the latter claim was “disguised,” the Court found these two claims were “one and the same.”¹⁹

Here, the Eleventh Circuit recognized it had overcomplicated the *Rooker-Feldman* doctrine because in *Feldman*, the Supreme Court labeled the disguised claims as “‘inextricably intertwined’ with the state court judgment.”²⁰ After observing that those words are “hard to decipher” and have “spawned endless confusion,” the court explained it previously sought to determine whether claims were “inextricably intertwined” through a two-step analysis: first, determining “whether a claim presents a direct appeal of a state court judgment;” and second, “whether the claim otherwise ‘intertwines’ the [district courts] with state court proceedings”²¹ After *Exxon Mobil*, the court realized that instead of a “complicated, multi-step analysis,” the *Rooker-Feldman* inquiry should be simple: “whether the plaintiff’s claim directly challenged a state court loss.”²²

The court proceeded to complain that “litigants and the district courts have still not gotten the message” about the simplicity and narrow application of the doctrine, but confessed that the court itself may have been the source of the problem.²³ Even though the court has “applied the narrow reading of *Rooker-Feldman* demanded by *Exxon Mobil*” in subsequent decisions, it recognized that its dicta citations to both pre- and post-*Exxon Mobil* precedent explaining the “inextricably intertwined” test may have been “inconsistent with the narrow inquiry now demanded by *Exxon Mobil*.”²⁴

The court concluded its explanation of *Rooker-Feldman* by stating that, although it may not have been clear in the past, it “aim[s] to be now.”²⁵ The doctrine should be a “straightforward application of the statutes” establishing federal court jurisdiction.²⁶ That application should be “narrow” and “quite simple”—the doctrine bars only review and rejection of “state-court judgments rendered before the district court proceedings commenced”²⁷ There is no second prong to this analysis.²⁸ “In short, district courts

¹⁸ *Id.* (quoting D.C. Ct. of Appeals v. Feldman, 460 U.S. 462 (1983)).

¹⁹ *Behr*, 8 F.4th at 1211.

²⁰ *Id.* (quoting *Feldman*, 460 U.S. at 467–68).

²¹ *Id.* at 1211 (citing Target Media Partners v. Specialty Mktg. Corp., 881 F.3d 1279, 1286 (11th Cir. 2018)).

²² *Id.*

²³ *Id.* at 1211–12.

²⁴ *Id.* at 1212.

²⁵ *Behr*, 8 F.4th at 1212.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

should keep one thing in mind when *Rooker-Feldman* is raised: it will almost never apply.”²⁹

Before addressing whether the district court should have dismissed the Behrs’ claims under *Rooker-Feldman*, the Eleventh Circuit emphasized that “a claim-by-claim approach is the right one” because the doctrine requires a “targeted approach.”³⁰ The court explained “[t]he question isn’t whether the *whole complaint* seems to challenge a previous state court judgment, but whether resolution of *each individual claim* requires review and rejection of a state court judgment.”³¹ The court then addressed the district court’s dismissal of three specific claims: (1) due process violation; (2) age discrimination; and (3) Fourth Amendment violation.³²

First, the Behrs alleged that the defendants violated their procedural due process rights by using “falsified and/or coerced information as a basis for the proceedings and decisions” and from “the restriction of access to the courts and denial of adequate legal counsel.”³³ Crucially, the Behrs were not seeking a review and rejection of a state court’s *judgment* based on those violations, which would have been barred under *Rooker-Feldman*.³⁴ Rather, they sought damages for these violations.³⁵ Thus, the court reversed dismissal of the Behrs’ due process claim.³⁶

Second, Mr. Behr’s age discrimination claim was based on his allegation that several government entities “continually [brought] up the age difference between [him] and [his ex-wife] on the record and documents during the child custody proceedings.”³⁷ The defendants contended this issue was “inextricably intertwined with the state court judgment because to resolve the age-difference claim, the federal court would have to review whether it was proper for the state court to consider the age difference in its decision-making process.”³⁸ Here, the court again held that *Rooker-Feldman* did not apply because the Behrs did not seek rejection of a state court *judgment*.³⁹ Instead, they sought “relief for violations that happened during the state processes”⁴⁰

²⁹ *Id.*

³⁰ *Id.* at 1213.

³¹ *Behr*, 8 F.4th at 1213 (emphasis added).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Behr*, 8 F.4th at 1213 (internal quotation marks omitted). The Behrs also claimed they were discriminated against by certain defendants based on gender, religion, and disability.

Id.

³⁸ *Id.* (internal quotation marks omitted).

³⁹ *Id.*

⁴⁰ *Id.*

Third, the Behrs alleged their Fourth Amendment rights were violated when the “Palm Beach County Department of Children and Families and its investigator, as well as other, unidentified, defendants, entered Louis’ home without permission and under false pretenses.”⁴¹ The court observed that this claim had no apparent “connection at all to an underlying state court judgment” as “neither party allege[d] that the search had anything to do with a state court proceeding.”⁴² Furthermore, the Behrs sought relief only in the form of damages.⁴³ Again, the court held that *Rooker-Feldman* did not apply to this Fourth Amendment violation claim and reversed the district court’s dismissal.⁴⁴

Finally, the Eleventh Circuit expressly rejected its own directive set forth in *Goodman ex rel. Goodman v. Sipos*, where it previously instructed courts to “focus on the federal claim’s relationship to the issues involved in the state court proceeding, instead of on the type of relief sought by the plaintiff.”⁴⁵ Here, the court opined that “the claim for relief *does matter*.”⁴⁶

In *Behr*, the Eleventh Circuit attempted to correct lingering confusion among district courts and litigants regarding the *Rooker-Feldman* doctrine. The court acknowledged its own role in perpetuating that confusion, then methodically explained how the doctrine should and should not be applied. As the court observed, it is likely that *Rooker-Feldman* will almost never be applicable.⁴⁷ However, the court’s opinion in *Behr* does not necessarily open the federal courthouse doors for plaintiffs to litigate claims related to state court proceedings. Other preclusion and abstention doctrines may bar federal courts from reviewing certain claims.⁴⁸ Even in *Behr*, the court recognized that the plaintiffs’ claims may be subject to dismissal on other grounds.⁴⁹ Thus, while federal courts should reel in their reliance on *Rooker-Feldman*, the Eleventh Circuit’s decision in *Behr* does not prevent federal courts from dismissing claims pursuant to other abstention doctrines.

⁴¹ *Behr*, 8 F.4th at 1213.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 1213–14 (quoting *Goodman*, 259 F.3d at 1333).

⁴⁶ *Id.* at 1214.

⁴⁷ *Behr*, 8 F.4th at 1212.

⁴⁸ *Id.* at 1214.

⁴⁹ *Id.*