

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

**THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of November, two thousand six.

PRESENT: HONORABLE RICHARD J. CARDAMONE,  
HONORABLE JOHN M. WALKER, JR.,  
HONORABLE REENA RAGGI,  
*Circuit Judges.*

-----  
EDMUND OROK EDEM,

*Plaintiff-Appellant,*

No. 05-4499-cv

v.

ELIOT L. SPITZER, STEWART  
WEINSTEIN, ELIZABETH SHAMAHS,  
MARK CLARK, PAULA HEPNER,  
MITCHELL REGENBOGEN,  
ALBERTO GONZALES, MICHAEL  
BELOHLAVEK, NEW YORK STATE  
COMMISSION ON JUDICIAL  
CONDUCT, MICHAEL A. CARDOZO,  
JOHN & JANE DOES,

*Defendants-Appellees.*  
-----

APPEARING FOR PLAINTIFF: EDMUND OROK EDEM, *pro se*, Staten Island,  
New York.

APPEARING FOR DEFENDANTS: GREGORY SILBERT, Assistant Solicitor General, (Robert H. Easton, *on the brief*) for Eliot Spitzer, Attorney General of the State of New York.

SUBMITTING FOR DEFENDANTS: ALAN BECKHOFF, Assistant Corporation Counsel, *for* Michael A. Cardozo, Corporation Counsel, City of New York.

Appeal from the United States District Court for the Eastern District of New York  
(Raymond J. Dearie, Judge).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,  
AND DECREED that the judgment of the United States District Court for the Eastern  
District of New York dated August 15, 2005, and entered on the docket on August 16,  
2005, is AFFIRMED.

Edmund Orok Edem, pro se, sues various government officials and entities for the  
alleged violation of his civil rights in the course of paternity proceedings in Kings County  
Family Court. See 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988. Specifically, Edem  
contends that defendants conspired to deprive him of procedural due process by denying  
him the right to appeal from an August 15, 2000 state court order of filiation and child  
support. The district court, which had previously dismissed for lack of subject matter  
jurisdiction two prior complaints by Edem raising virtually identical claims, see Edem v.  
State of New York, No. 03-cv-1220 (RJD) (LB) (E.D.N.Y. Nov. 2, 2004); Edem v.  
Northfield Savings Bank, No. 04-cv-657 (RJD) (LB) (E.D.N.Y. Nov. 2, 2004) , sua  
sponte dismissed Edem's most recent complaint as frivolous, holding, once again, that

federal courts lack subject matter jurisdiction to hear Edem's claims pursuant to the doctrine articulated in Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482-86 (1983). See Edem v. Spitzer, 05-cv-3504, 2005 WL 1971024 (E.D.N.Y. Aug. 15, 2005). On appeal, we review this ruling de novo. See Hoblock v. Albany County Bd. of Elections, 422 F.3d 77, 83 (2d Cir. 2005) ("Because Rooker-Feldman goes to subject-matter jurisdiction, we review de novo the district court's application of the doctrine."). We assume the parties' familiarity with the facts and the record of prior proceedings, which we reference only as necessary to explain our decision.

The Rooker-Feldman doctrine establishes that federal courts lack subject matter jurisdiction in "cases brought by state-court losers 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." Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005). Edem's complaint satisfies all four factors identified in Exxon Mobil for the application of the Rooker-Feldman doctrine: (1) Edem lost the filiation claim in state court and, thus, was directed to provide financial support; (2) he complains of the injury caused by the state court order; (3) the state court determinations in question were rendered before this action was commenced; and (4) Edem seeks a declaration that the state court's judgment is unconstitutional and void. Accordingly, as the district court correctly concluded, federal courts lack subject matter jurisdiction to hear his claim.

In an effort to demonstrate that his claim is not barred by Rooker-Feldman, Edem submits that he does not challenge the state judgment, but rather the defendant's failure to afford him "adequate notice and an opportunity to be heard prior to the deprivation of his property rights," thereby depriving him of due process. Complaint at 5-6, § 13. We are not convinced. The procedural defects that plaintiff alleges are, in fact, inextricably intertwined with the substantive decisions of the state court. See Hoblock v. Albany County Bd. of Elections, 422 F.3d at 86-87 ("Rooker-Feldman bars a federal claim, whether or not raised in state court, that asserts injury based on a state judgment and seeks review and reversal of that judgment; such a claim is 'inextricably intertwined' with the state judgment.").

Under New York law, no appeal of right was available from the filiation or support order. See Matter of Dep't of Soc. Serv. v. Jay W., 105 A.D.2d 19, 28, 482 N.Y.S.2d 810, 818 (2d Dep't 1984); Family Court Act § 439 (e). Nevertheless, the issues underlying both orders were reviewable on appeal from the state court's final order dated May 30, 2001. See Matter of Ise-Smith v. Orok-Edem, 296 A.D.2d 414, 414-15, 745 N.Y.S.2d 461, 461 (2d Dep't 2002). To this extent, it appears that Edem was given a full and fair opportunity to litigate the challenged orders, which suggests that his due process claim is frivolous. We do not, however, reach that issue. Rather, we summarize the state proceedings only to illustrate that Edem's procedural due process claims are, in fact, inextricably intertwined with the state court's judgment, and thus, outside our subject matter jurisdiction. See Phifer v. City of New York, 289 F.3d 49, 57 (2d Cir. 2002)

(holding that this court may not review family court determinations that were decided after providing plaintiff a “full and fair opportunity to litigate those issues”). As we observed in Hoblock v. Albany County Bd. of Elections, simply “presenting in federal court a legal theory not raised in state court . . . cannot insulate a federal plaintiff’s suit from Rooker-Feldman if the federal suit nonetheless complains of injury from a state court judgment and seeks to have that state-court judgment reversed.” 422 F.3d at 86.

Because we lack jurisdiction, we do not address plaintiff’s remaining arguments or his miscellaneous motions. Accordingly, we AFFIRM the judgment of the district court and DENY all pending motions as moot.

FOR THE COURT:  
THOMAS ASREEN, ACTING CLERK

\_\_\_\_\_  
By: