

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Radu Rasidescu,

Civ. File No. 02-2941 (PAM/RLE)

Plaintiff,

v.

MEMORANDUM AND ORDER

Commissioner of Economic
Security,

Defendant.

This matter comes before the Court on Defendant's Motion to Dismiss and Plaintiff's Motion for Summary Judgment. For the following reasons, the Court lacks subject matter jurisdiction to adjudicate Plaintiff's claim. Therefore, the Court grants Defendant's Motion and denies Plaintiff's Motion.

BACKGROUND

Plaintiff Radu Rasidescu, a Canadian citizen, received an employment offer from Dairy Farmers of America on November 12, 1999. Rasidescu accepted the offer and, on November 23, 1999, relocated to Zumbrota, Minnesota, where he worked for the company as an engineer. Four months later, Dairy Farmers of America eliminated Rasidescu's position. He then contacted the Minnesota Department of Economic Security (the "Department") and requested unemployment benefits. The Department denied his claim, and Rasidescu appealed the decision. A representative for Defendant Commissioner of the Department denied the first appeal, and the Minnesota Court of Appeals affirmed the Commissioner's decision. Rasidescu v. Comm'r of Econ. Sec., 644 N.W.2d 504, 506 (Minn. Ct. App. 2002). Ultimately, Rasidescu

appealed the case to the Minnesota Supreme Court, but it declined to review the appellate court's decision.

Now, Rasidescu brings this claim against the Commissioner of the Department for violations of the North American Free Trade Act (NAFTA), and asks this Court to overturn the appellate court's decision. In response, Defendant moves to dismiss the case for lack of subject matter jurisdiction. Defendant reasons that the Court lacks jurisdiction pursuant to the well-established axioms of sovereign immunity. Defendant also argues that the Court must dismiss Rasidescu's action because it has no legal basis.

DISCUSSION

A. Standard of Review

When deciding a motion under Rule 12(b)(1) of the Federal Rules of Civil Procedure, a court must distinguish between a facial attack and a factual attack. Titus v. Sullivan, 4 F.3d 590, 593 (8th Cir. 1993) (“the complaint must be successfully challenged on its face or on the factual truthfulness of its averments”) (citing Osborn v. United States, 918 F.2d 724, 729 (8th Cir. 1990)). In a facial challenge, all of the factual allegations in the complaint concerning subject matter jurisdiction are presumed to be true. Titus, 4 F.3d at 593. The motion to dismiss succeeds if the plaintiff fails to allege an element necessary for subject matter jurisdiction. Id. The nonmoving party receives the same protections and presumptions of fact as it would under a motion to dismiss for failure to state a claim. Osborn, 918 F.2d at 729. For factual challenges to the stated grounds for jurisdiction, courts hold an evidentiary hearing to consider outside evidence, Titus, 4 F.3d at 593, and the nonmoving party does not have the

benefit of the safeguards contained in Rule 12(b)(6) of the Federal Rules of Civil Procedure, Osborn, 918 F.2d at 729. Here, Defendant brings a facial challenge to Rasidescu's grounds for subject matter jurisdiction based on the doctrine of sovereign immunity. The doctrine of sovereign immunity bars Rasidescu's claim, but the Court also notes that it lacks subject matter jurisdiction pursuant to the Rooker-Feldman doctrine.

B. Sovereign Immunity

The Eleventh Amendment prevents suits against state governments or entities thereof brought in federal court, except when Congress has abrogated that immunity for a particular cause of action. Becker v. Univ. of Neb. at Omaha, 191 F.3d 904, 908 (8th Cir. 1999). "While not specifically set forth in the text, the Eleventh Amendment has been interpreted 'to extend to suits by all persons against a state in federal court.'" Santee Sioux Tribe v. Nebraska, 121 F.3d 427, 430 (8th Cir. 1997) (internal citations omitted). The doctrine of sovereign immunity also encompasses not only actions where the state is actually named as a defendant, but also certain actions against state instrumentalities and entities. Becker, 191 F.3d at 908 (citing Regents of Univ. of Cal. v. Doe, 519 U.S. 425, 429-430 (1997)). Indeed, "[a] state official is entitled to Eleventh Amendment immunity if immunity will 'protect the state treasury from liability that would have had essentially the same practical consequences as a judgment against the state itself.'" Hopkins v. Saunders, 93 F.3d 522, 526-27 (8th Cir. 1996) (quoting Hadley v. N. Ark. Cmty. Technical Coll., 76 F.3d 1437, 1438 (8th Cir. 1996)). In this case, Rasidescu requests that this Court award "the Petitioner, Radu Rasidescu, in the amount of \$29,000.00 U.S." (Mot. to Award Summ. J. at 1.) Therefore, even though the named party

is not the State of Minnesota or an entity of the state, but rather a state official, the requested relief has essentially the same practical consequences affecting the state treasury as a judgment against the state itself. The doctrine of sovereign immunity bars Rasidescu's claim.

C. Rooker-Feldman

Even assuming that Rasidescu could surpass the broad impact of the Eleventh Amendment, the Rooker-Feldman doctrine prohibits federal courts, other than the Supreme Court, from hearing challenges to state court judgments. Lemons v. St. Louis County, 222 F.3d 488, 492 (8th Cir. 2000) (citing Dist. of Columbia Ct. of App. v. Feldman, 460 U.S. 462, 476 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923)). According to the Supreme Court, claims "inextricably intertwined" with state court judgments are outside the scope of federal district court jurisdiction. Feldman, 460 U.S. at 483 n.16. "A general federal claim is inextricably intertwined with a state court judgment 'if the federal claim succeeds only to the extent that the state court wrongly decided the issue before it.'" Ace Constr. v. City of St. Louis, 263 F.3d 831, 833 (8th Cir. 2001) (quoting Lemons, 222 F.3d at 493).

In this case, Rasidescu's suit violates the Rooker-Feldman doctrine. He requests damages for allegedly errant rulings of the Minnesota Court of Appeals. Rooker-Feldman prohibits this Court from appellate review of state court decisions. Therefore, the Court lacks jurisdiction to hear Rasidescu's claim.

CONCLUSION

For the foregoing reasons, Rasidescu's claim is barred by the doctrine of sovereign immunity and by the Rooker-Feldman doctrine. Accordingly, based upon all the files, records,

and proceedings herein, **IT IS HEREBY ORDERED** that:

- (1) Defendant's Motion to Dismiss for lack of subject matter jurisdiction (Clerk Doc. No.12) is **GRANTED**; and
- (2) Plaintiff's Motion for Summary Judgment (Clerk Doc. No. 7) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 8, 2003

Paul A. Magnuson
United States District Court Judge