

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM SEAN DAHL, WAYNE R. :
AVERILL :
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 Plaintiffs, :
 :
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 v. : Civil Action No. 02-038 JJF
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 STATE OF DELAWARE, M. JANE :
 BRADY, RUTH ANN MINNER, AND :
 STATE LEGISLATURE :
 :
 :
 Defendants. :

William Sean Dahl and Wayne R. Averill, Wilmington, Delaware.
Pro Se Plaintiffs.

Ophelia Michelle Waters, Esquire, Deputy Attorney General,
DEPARTMENT OF JUSTICE, STATE OF DELAWARE, Wilmington, Delaware.
Attorney for Defendants.

MEMORANDUM OPINION

October 15, 2004

Wilmington, Delaware

Farnan, District Judge.

Pending before the Court are Defendants' Motion For Summary Judgment (D.I. 43) and Plaintiff Averill's Motion For Summary Judgment (D.I. 48). For the reasons discussed, Defendants' Motion (D.I. 43) will be granted and Plaintiff Averill's Motion (D.I. 48) will be denied.

BACKGROUND

Plaintiffs are convicted sex offenders. The Superior Court for New Castle County sentenced Plaintiffs pursuant to Delaware's Sex Offender Registration and Community Notification statutes (11 Del. C. § § 4120 and 4121), which required Plaintiffs to register as sex offenders.

Pursuant to 42 U.S.C. § 1983, Plaintiffs challenge their sentences, claiming that Delaware's sex offender statutes violate several of their rights under the U.S. Constitution. Accordingly, Plaintiffs ask the Court to enjoin Defendants' use of the statutes, as well as award them attorneys fees and court costs.

The Court ordered Plaintiffs and Defendants to file motions for summary judgment with Opening Briefs by February 20, 2004 (D.I. 38). Reply Briefs were due by April 12, 2004 (D.I. 46). Defendants and the Plaintiff Averill each moved for Summary Judgment (the Plaintiff Dahl never submitted a motion). To date, Plaintiffs have failed to respond to Defendants' Motion For

Summary Judgment. Therefore, the Court may proceed to the merits of Defendants' Motion.

PARTIES' CONTENTIONS

By their motion, Defendants contend (1) that Plaintiffs' claims are barred by the Rooker-Feldman doctrine, (2) that Defendants are immune from liability under the Eleventh Amendment, and (3) that Delaware's Sex Offenders' Registration and Community Notification Statute does not violate substantive due process. Because Defendants' first contention precludes the Court from exercising jurisdiction, discussion of contentions two and three are unnecessary.

DISCUSSION

Pursuant to the Rooker-Feldman doctrine, district courts may not review decisions made by state tribunals. See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); Feldman v. Dist. of Columbia Court of Appeals, 460 U.S. 462 (1983); see also Stypulkowski v. Stypulkowski, No. 00-CV-3151, 2000 WL 1456739, at *1 (E.D. Pa. Sept. 29, 2000). The doctrine precludes district courts from exercising subject matter jurisdiction over "constitutional claims that have been previously adjudicated in state court or that are inextricably intertwined with such a state adjudication." Gulla v. North Strabane Township, 146 F.3d 168, 171 (3d Cir.1998).

The Rooker-Feldman doctrine first requires a district court

to determine whether a plaintiff's constitutional claims have already been adjudicated in state court. See Rooker, 263 U.S. at 413; Feldman, 460 U.S. at 462. Nonetheless, even if Plaintiff did not adjudicate his claims in the state court, the Court does not have jurisdiction to hear this matter if the claims are inextricably intertwined with the state adjudication. See Gulla, 146 F.3d at 171. A constitutional claim is "inextricably intertwined" with the particular state court decision if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it. Behr v. Snider, 900 F.Supp. 719, 724 (E.D. Pa.1995) (quoting Centifanti v. Nix, 865 F.2d 1422, 1430 (3d Cir.1989)). A plaintiff's claims regarding the constitutionality of an ordinance is "inextricably intertwined" with the conviction if granting the plaintiff's requested relief would "effectively reverse [the] state court's decision[s] or void its ruling [s]." Greist v. Norristown State Hospital, No. 96-CV-8495, 1997 WL 661097, at * 2 (E.D.Pa. Oct. 22, 1997) (citing FOCUS v. Allegheny County Ct. of Common Pleas, 75 F.3d 834, 840 (3d Cir.1996)).

In this case, Plaintiffs ask the Court to review the state court's sentencing decision. By their claims, Plaintiffs request that the Court enjoin the Superior Court's ruling by declaring it, and the Delaware law upon which it was based, unconstitutional. Neither Plaintiff raised these constitutional

claims in state court. Nevertheless, the Court concludes that the asserted constitutional claims are inextricably intertwined with the state court adjudication. That is, if the Court granted Plaintiff's requested relief, it would "effectively reverse" the Delaware Superior Court by invalidating its sentencing decision. In sum, pursuant to the Rooker-Feldman doctrine, the Court concludes it lacks subject matter jurisdiction to consider Plaintiff's asserted claims and, therefore, Defendants Motion For Summary Judgment (D.I. 43) will be granted.¹

CONCLUSION

For the reasons discussed, Defendants' Motion For Summary Judgment (D.I. 43) will be granted and Plaintiff Averill's Motion For Summary Judgment (D.I. 48) will be denied.

An appropriate Order will be entered.

¹The Court notes that, procedurally, Defendant's Motion could have been styled as a motion to dismiss; however, due to the Court's September 24, 2003, Scheduling Order (D.I. 38), the Rooker-Feldman doctrine issue is presented in a Rule 56 summary judgment context.

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 Defendants. :

ORDER

At Wilmington, this 15th day of October 2004, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that

1) Defendant's Motion For Summary Judgment (D.I. 43) is **GRANTED**;

2) Plaintiff's Motion For Summary Judgment (D.I. 48) is **DENIED**.

Joseph J. Farnan, Jr.
UNITED STATES DISTRICT JUDGE