

**ENTERED**

August 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHRISTINA CRUISE,

Plaintiff,

VS.

SHERI Y DEAN, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-1153

**MEMORANDUM**

Before the Court are the motions to dismiss the plaintiff’s, Christina Cruise, complaint brought by the defendants, Sefra Perkins, Tara Biggers, Henry Whitman, Jr., and Kristene Blackstone [DE 18]; Judge Beverly Malazzo [DE 12]; Judge Sheri Y. Dean [DE 9]; and Francisca Aguirre [DE 27]. The plaintiff filed a response [DE 30] and the several defendants have filed replies. The Court has reviewed the motions, response and replies and determines that the motions should be granted.

**I.**

The plaintiff was a party to a lawsuit that involves the custody of her children and/or termination of her parental rights. In this suit, the plaintiff complains that the “defendant(s) executed unreasonable searches and seizures in her premises”; “failed to provide due process . . . with a fair trial and fair procedures”, failed “to obtain a valid court order prior to executing the search of her premises . . .” and engaged in other conduct that violated her Fourteenth Amendment “due process” rights all in violation of Title 42 U.S.C. § 1983.

The defendants’ contend that four factors must be overcome in order for this Court to maintain jurisdiction of this suit and entertain the plaintiff’s claims. Specifically, the defendants join together arguing that the Court lacks subject matter jurisdiction over the plaintiff’s case

because the case involves matters exclusively within the authority of the State and, therefore, the Rooker-Feldman doctrine applies. The Court agrees and must dismiss the plaintiff's case for lack of subject matter jurisdiction. *Cuvillier v. Sullivan*, 503 F.3d 397, 401 (5th Cir. 2007); *see also United States v. Shepherd*, 23 F.3d 923, 924 (5th Cir. 1994).

The case arises out of a suit that has been adjudicated concerning the resolution of the plaintiff's relationship to her children – a parental rights termination suit. *See* [DE 12, 12-1]. Because the plaintiff's suit seeks review or oversight over a state court case that is currently ongoing, it must be dismissed for lack of subject matter jurisdiction. *Shepherd*, 23 F.3d 924.

It is so ORDERED that this case be, and it is hereby DISMISSED with Prejudice, against all defendants, in its entirety.

SIGNED on this 29<sup>th</sup> day of August, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge