

NOV 15 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 90-F-1892

HARMON L. WILFRED,

Plaintiff,

v.

STATE OF COLORADO, 18TH JUDICIAL DISTRICT COURT, and
HONORABLE JOYCE STEINHARDT, CHIEF JUDGE.

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 8 1990

JAMES R. MANSPEAKER
CLERK

ORDER OF DISMISSAL

Sherman G. Finesilver, Chief Judge

Plaintiff Harmon L. Wilfred and Sandra A. Wilfred have been married since 1982. On March 3, 1989, Sandra Wilfred filed case No. 89-DR-477 in the Eighteenth Judicial District Court of the State of Colorado for dissolution of their marriage. Defendant, the Honorable Joyce Steinhardt, is the presiding judge in the divorce action.

Plaintiff has previously come before this court. On June 4, 1990, plaintiff filed a complaint and a motion for a temporary restraining order.¹ Plaintiff's complaint sought monetary relief for violations of his constitutional rights. Plaintiff's motion sought an order restraining the District Court of the Eighteenth Judicial District from proceeding with a hearing scheduled for June 5 and 6, 1990. The court dismissed the complaint and cause of

¹ This action was assigned case number 90-F-980.

4

action pursuant to Fed. R. Civ. P. 12(h)(3).² Plaintiff asserts in the current action similar constitutional violations and seeks injunctive relief. For the same reason we dismissed the first action, the court DISMISSES the instant case.

It is axiomatic that federal courts should decline jurisdiction in domestic relations cases. Barber v. Barber, 21 How. 582, 584 (1858). The law of domestic relations is best left to the states, not the federal government. Ex Parte Burrus, 136 U.S. 586, 593-94 (1890); Buechold v. Ortiz, 401 F.2d 371 (9th Cir. 1968). Federal courts should decline jurisdiction when the suit involves the status of husband and wife or of parent and child. Csibi v. Fustos, 670 F.2d 134 (9th Cir. 1982).³ Moreover, jurisdiction should be declined when the issues are closely related to domestic relations questions. Fern v. Turman, 736 F.2d 1367 (9th Cir. 1983). Simply, matters relating to domestic relations should be left to the exclusive jurisdiction of state courts. Kilduff v. Kilduff, 473 F. Supp. 873 (S.D.N.Y. 1979). They raise issues in which the states maintain a unique competence and have an exceptionally strong interest Id.

A fundamental policy exists against federal interference with state-court proceedings. Younger v. Harris demonstrates that federal courts should not enjoin state-court proceedings if the

² Wilfred v. Wilfred, No. 90-F-980, slip op. (D. Colo. June 4, 1990).

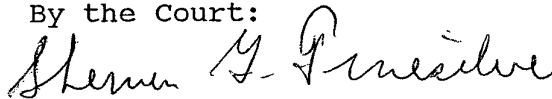
³ It has also been held that federal courts should not adjudicate cases involving the custody of minors. Hernstadt v. Hernstadt, 373 F.2d 316 (2d Cir. 1967).

moving party has an adequate remedy at law and will not suffer irreparable injury if denied relief in the federal forum. Younger v. Harris, 401 U.S. 37, 43-44 (1971); see also Moses Cone Memorial Hosp. v. Mercury Constr. Co., 460 U.S. 1 (1983); Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976). Plaintiff has not proved that he is without a remedy at law or will suffer irreparable harm without federal court intervention. We are persuaded that the principle of comity that underlies the abstention doctrine expressed in Younger mandates that this action be dismissed.

ACCORDINGLY, IT IS ORDERED that the complaint and cause of action are DISMISSED.

Done this 8th day of November, 1990 at Denver, Colorado.

By the Court:



Sherman G. Finesilver, Chief Judge
United States District Court

ENTERED
ON THE DOCKET

NOV 15 1990

JAMES R. MANSPEAKER
CLERK
BY Jm

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
DISTRICT OF COLORADO

JAMES R. MANSPEAKER, CLERK

Nov. 8, 1990

ROOM C-143
UNITED STATES COURTHOUSE
1929 STOUT STREET
DENVER, COLORADO 80294
PHONE (303) 844-3433
FTS 564-3433

Harmon L. Wilfred
7611 S. Emerson St.
Littleton, CO 80122

David C. Feola, Esq.
Assistant Attorney General
General Legal Services Section
1525 Sherman St., 2d Floor
Denver, CO 80203

Honorable Joyce S. Steinhardt (mailed 11/15/90)
Chief Judge, Eighteenth Judicial District
Arapahoe County Justice Center
7325 S. Potomac Street
Englewood, CO 80112

RE: 90-F-1892, HARMON L. WILFRED v. STATE OF COLORADO, 18TH JUDICIAL
DISTRICT COURT, HONORABLE Joyce STEINHARDT, CHIEF JUDGE

Enclosed please find a copy of ORDER OF DISMISSAL

DATED Nov. 8, 1990

entered by Chief Judge Sherman G. Finesilver in the referenced matter.

JAMES R. MANSPEAKER, CLERK

BY:

N. Hatch
Deputy Clerk