

United States Court of Appeals,
Second Circuit.

A. Cecilia BABALOLA, Plaintiff-Appellant,

v.

**B.Y. EQUITIES INC., Clinton Hill Apartment Owners Corp.,
Michele Slochowsky-Hering, Hon. Laurie L. Lau,
Issac Stern Realty & Property Management,
United Securities Servicers Inc., Clinton Hill Equities Group,
Defendants-Appellees.**

Docket No. 02-9201.

April 11, 2003.

Evicted tenant sued property management company and other defendants for alleged violations of Fair Housing Act (FHA) and alleged civil rights violations. After claims against housing court judge were dismissed, the United States District Court for the Eastern District of New York, Reena Raggi, J., adopting the report and recommendation of Cheryl L. Pollack, United States Magistrate Judge, granted summary judgment for defendants. Evicted tenant appealed. The Court of Appeals held that, pursuant to *Rooker-Feldman* doctrine, district court lacked jurisdiction to consider evicted tenant's claims.

AFFIRMED.

West Headnotes

Courts  509

106k509 Most Cited Cases

Consideration of evicted tenant's Fair Housing Act (FHA) and civil rights claims would require inquiry into propriety of eviction warrant issued by New York housing court, affirmance of that decision by the Appellate Term, and denial of leave to appeal to Appellate Division, and therefore, pursuant to *Rooker-Feldman* doctrine, which prohibited federal court review of claims inextricably intertwined with prior state court determinations, district court lacked jurisdiction to consider claims. 42 U.S.C.A. § 1981, 1982, 1983, 1985(2); Civil Rights Act of 1968, § 801 et seq., 42 U.S.C.A. § 3601 et seq.

Appeal from the United States District Court for the Eastern District of New York (Reena Raggi, District Judge).

A. Cecilia Babalola, Brooklyn, NY, pro se.

Ira Greene, Brooklyn, NY, for Appellees, B.Y. Inc., Michele Slochowsky-Hering, Hon. Laurie L. Lau, Isaac Stern Realty & Property Management, and United Securities Servicers, Inc.

Ross P. Masler, Feldman & McGraw, New York, NY, for Appellee, Clinton Hill Equities Group.

Evan J. Spelfogel, Epstein, Becker & Green, P.C, New York, NY, for Appellee, Clinton Hill Apartment Owners Corp.

Present: WALKER, Chief Judge, OAKES, and NEWMAN, Circuit Judges.

SUMMARY ORDER

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,

ADJUDGED, AND DECREED that the judgment of the district court be and it hereby is AFFIRMED.

In May 1998, A. Cecilia Babalola filed a counseled complaint against defendants B.Y. Equities Inc., Isaac Stern Realty and Property Management, United Securities Servicers Inc., Clinton Hill Apartments Owners Corp., Michele Slochowsky-Hering, and the Hon. Laurie L. Lau, Housing Court Judge, claiming violation of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, and the Civil Rights Act of 1968, 42 U.S.C. § 1981, 1982, 1983, and 1985(2). Clinton Hill Equities Group was later added as a defendant in Babalola's amended complaint.

In August 1998, the district court granted Hon. Laurie L. Lau's motion to dismiss the claims against her, as barred by the Eleventh Amendment and the doctrine of absolute judicial immunity. Babalola has not appealed that order.

In June 2002, Magistrate Judge Cheryl L. Pollack issued a report recommending that the district court grant the remaining defendants' motion for summary judgment and to dismiss Babalola's complaint. The magistrate judge concluded, *inter alia*, that the court lacked jurisdiction to review Babalola's claims because they were barred by the *Rooker-Feldman* doctrine, which prohibits federal courts from considering claims that are "inextricably intertwined" with prior state court determinations. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 416, 44 S.Ct. 149, 68 L.Ed. 362 (1923) and *District of Columbia Court of Appeal v. Feldman*, 460 U.S. 462, 482, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983)... In an order dated September 23, 2002, after reviewing Babalola's objections to the magistrate judge's report, the district court adopted the report and granted defendants' motions for summary judgment.

On appeal, Babalola argues that (1) defendants were "negligent in exercising [their] duty and right to protect plaintiff from housing discrimination and civil rights violations"; (2) defendants deliberately made her apartment uninhabitable; (3) defendants profited from her eviction; (4) she was denied the opportunity to rent her apartment because of her race and national origin; and (5) an issue of fact exists as to the defendants' contractual responsibilities and the role that defendant Slochowsky-Hering played in evicting minorities from the Clinton Hill apartments.

We review orders granting summary judgment *de novo*. *See Bedoya v. Coughlin*, 91 F.3d 349, 351 (2d Cir.1996). The magistrate judge and Judge Raggi correctly concluded that, under the *Rooker-Feldman* doctrine, the district court lacked jurisdiction to consider Babalola's claims. As the magistrate judge explained in her very thorough report and recommendation, a review of the complaint would necessitate an inquiry into the propriety of the eviction warrant issued by the housing court, and the affirmance of that decision by the Appellate Term and the denial of leave to appeal to the Appellate Division. Such inquiry is clearly barred under the *Rooker-Feldman* doctrine...

Accordingly, the decision of the District Court is AFFIRMED.