UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SUSAN SKIPP, ET AL., Plaintiffs, v. MAUREEN MURPHY, ET AL., Defendants.	No. 3:17-cv-1974 (VAB)

ORDER DISMISSING THE CASE AND ENJOINING PLAINTIFF FROM FILING SIMILAR CASES IN THE DISTRICT OF CONNECTICUT

Susan Skipp ("Plaintiff") and her minor children filed this lawsuit *pro se* in the United States District Court for the Southern District of New York ("Southern District of New York"). The Complaint asserts various claims against more than 40 defendants, including more than a dozen judges, numerous attorneys, state agencies, and government employees in Connecticut and Texas. Compl., ECF No. 2. Ms. Skipp contends that Defendants, alone and in concert, deprived her and her children of meaningful access to the courts in connection with state divorce and child custody proceedings. Compl., ECF No. 2. Ms. Skipp also filed a motion for leave to proceed *in forma pauperis*. Motion for Leave, ECF No. 1. The Southern District of New York transferred this case to the District of Connecticut after it was determined that this District was a more appropriate venue for these claims. *See* Transfer Order, ECF No. 5.

Following a review of Plaintiff's motion for leave to proceed *in forma pauperis*, Magistrate Judge Garfinkel filed a Recommended Ruling, ECF No. 18, recommending the case be dismissed under 28 U.S.C. § 1915(e)(2)(B). Ms. Skipp filed an objection on July 25, 2018. Pl. Resp. to Order to Show Cause, ECF No. 21. A hearing was originally scheduled and held on July 26, 2018, on the issues of good cause and a leave-to-file injunction, but the Court continued that

hearing until September 19, 2018 at 10:00 a.m. because the Court determined that Ms. Skipp had not been properly notified of and sufficiently prepared to address the issue of whether a filing injunction should issue. ECF No. 22.

At the September 19, 2018 hearing, Ms. Skipp testified that her Complaint chiefly concerns how the Connecticut and Texas state court systems have failed to comply with the Americans with Disabilities Act. Ms. Skipp's testimony comports with portions of her 264-paragraph Complaint, *see e.g.*, Compl. ¶ 19. Further, Ms. Skipp's recent brief on the merits of her case suggests that some of her claims concern the Americans with Disabilities Act ("ADA"), 42 U.S.C. 12131, et seq., ADA Amendments Act ("ADAAA"), 42 U.S.C. 12131, et seq., and § 504 of the Rehabilitation Act, 29 U.S.C. § 794. Brief on Merits of ADA/ADAAA Complaint (hereinafter "Brief on the Merits"), ECF No. 28. at 2. The Brief on the Merits also alludes to violations of state and federal constitutions, laws, and judicial policies.

For the reasons set forth below, the Court **DISMISSES** this case under 28 U.S.C. § 1915(e)(2)(B).

The Court also issues a filing injunction against Plaintiff Susan Skipp, and orders that Ms. Skipp is permanently enjoined, in the District of Connecticut, from serving upon any person, natural or legal, or any other entity, any document, motion, affidavit, declaration, or other paper purporting a loss, abrogation, or interruption of her federal rights in connection with state-court judgments rendered on or before the date of this Order.

I. FACTUAL AND PROCEDURAL BACKGROUND

Ms. Skipp obtained a dissolution agreement in March 2011. Compl. at ¶ 67. As part of that agreement, Ms. Skipp understood that she would receive child support, residential custody and joint legal custody of her children. *Id*. Shortly thereafter, Ms. Skipp reported to the

Connecticut Department of Children and Families that her children were being abused and endangered by their father. *Id*. at ¶ 110 ("The children complained about being picked up by their hair, being denied food, being denied heat, clothing and having access to firearms.")

After that call, Ms. Skipp alleges that various attorneys forced her into hearings that resulted in changes to her custody agreement and the removal of her children from their shared home. *Id*. at ¶ 112-15. In a June 2012 custody hearing, Ms. Skipp's mental health was discussed for seven days. *Id*. at ¶ 127-28. She lost the right to visit her children following that trial. *Id*. In July 2016, Ms. Skipp asked a court to enjoin her former husband from moving their children to Texas. *Id*. at ¶ 138. The children and their father ultimately moved to Texas. *Id*. at ¶ 142. With the help of a private detective, Ms. Skipp located at least one of the children. *Id*. Ms. Skipp tried to regain custody in Texas. *Id*. at ¶ 146. State officials purportedly denied Ms. Skipp access to her children's records, even though she explained that "it would help her disability if she knew the status of the safety of the children and their well being." *Id*. at ¶ 147. Ms. Skipp now alleges that these and other "Defendants stereotyped and stigmatized [her] and repeatedly acted on assumptions about [her] perceived mental impairment." *Id*. at ¶ 157.

II. STANDARD OF REVIEW

The review of three different legal standards is necessary in this case.

First, under 28 U.S.C. § 1915(e)(2)(b), a court may dismiss a case at any time if it determines that a complaint "is frivolous or malicious . . . fails to state a claim upon which relief may be granted; or seeks monetary relief from a defendant who is immune from such relief." *Id.*

Second, with respect to recommended rulings, a court reviews *de novo* those parts of a recommended ruling to which a plaintiff specifically objects. 28 U.S.C. § 636(b)(1)(C). Where,

however, an objecting party makes only conclusory or general objections, or simply reiterates the original arguments, a court reviews for clear error. *See Farid v. Bouey*, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008).

Third, with respect to filing injunctions, district courts have "the power and the obligation to protect the public and the efficient administration of justice from individuals who have a history of litigation entailing vexation, harassment and needless expense to [other parties] and an unnecessary burden on the courts and their supporting personnel." *Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000) (internal quotation marks omitted) (quoting *In re Martin–Trigona*, 737 F.2d at 1262); see also (*Matter of Hartford Textile Corp.*, 681 F.2d 895, 897 (2d Cir. 1982) (recognizing the "equity power of a court to give injunctive relief against vexatious litigation is an ancient one which has been codified in the All Writs Statute . . . .").

III. DISCUSSION

A. The ADA Claims

The ADA "provide[s] a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." §§ 12101(b)(1), (b)(4). It forbids discrimination against persons with disabilities in three major areas of public life: employment, which is covered by Title I of the statute; public services, programs, and activities, which are the subject of Title II; and public accommodations, which are covered by Title III." *Tennessee v. Lane*, 541 U.S. 509, 516–17, 124 S. Ct. 1978, 1984, 158 L. Ed. 2d 820 (2004). Title II of the ADA prohibits "irrational disability discrimination" against citizens seeking access to state and federal courts. *Id.* at 522–23. "Congress enacted Title II against a backdrop of pervasive unequal treatment in the administration of state services and programs, including systematic deprivations of fundamental rights" such as access to this country's courts. *Id.* at 524-25.

Congress intended the ADA to remedy, among other things, "a pattern of unconstitutional treatment in the administration of justice." *Id*. at 525. For that reason, Congress abrogated state judicial immunity for the purposes of Title II litigation. *Id*. at 512; *Richter v. Connecticut Judicial Branch*, No. 3:12CV1638 JBA, 2014 WL 1281444, at *5 (D. Conn. Mar. 27, 2014), *aff'd*, 600 F. App'x 804 (2d Cir. 2015).

To obtain relief under the ADA, an individual must have "(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) [been] regarded as having such an impairment (as described in paragraph (3))." 42 U.S.C. § 12102(1). Major life activities "include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working." *Id*. at § 12102(2).

With respect to mental disabilities, "the EEOC has issued administrative regulations implementing the ADA, which define a 'mental impairment' as '[a]ny mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.'" *Richter*, 2014 WL 1281444, at *6, citing 29 C.F.R. § 1630.2(h). "Under the law of this Circuit, the EEOC's regulations are entitled to 'great deference' in interpreting the ADA." *Id.*, citing *Muller v. Costello*, 187 F.3d 298, 312 (2d Cir.1999). When a plaintiff claims that her impairment limits one or more major life activities, "courts will look to whether the plaintiff has pled facts tending to show that the impairment substantially limits the major life activity." *Richter*, 2014 WL 1281444, at *7. When a plaintiff claims discrimination stemming from the perception that she has an impairment, Second Circuit courts are expected

to conduct a "regarded as" analysis. *Id.*, *citing Giordano v. City of New York*, 274 F.3d 740, 748 (2d Cir.2001).

Ms. Skipp alleges that she and her children have mental health impairments, that she and her children were regarded as being mentally impaired by Defendants, and that Defendants' "exploit[ation of] Plaintiffs' disabilities . . . rendered Ms. Skipp with PTSD." Compl. at ¶ 9, 180; Brief on the Merits at 10. Ms. Skipp further alleges that the PTSD rendered by the court system further inhibited her ability to participate in important legal proceedings and "affect[ed her] major life activities and bodily functions." *Id*. at ¶ 180-81. While Ms. Skipp does not describe the particular accommodations that would have enabled her to meaningfully participate in state court proceedings, she nevertheless contends that the state's judicial branch "violated the ADA/ADAAA by failing to provide a judicial system for divorce matters accessible to persons with invisible disabilities." Compl. at ¶ 18.

The Court first determines if Ms. Skipp had a cognizable and substantially limiting physical or mental impairment. 42 U.S.C. § 12102(1)(A). The Court finds scant evidence of a specific disability in Ms. Skipp's pleadings, other than post-traumatic stress disorder ("PTSD"). Ms. Skipp does not reference a clinician's formal diagnosis of her disabilities, including PTSD. Even if Ms. Skipp suffers from PTSD, the Second Circuit has suggested that a plaintiff's PTSD is not dispositive of whether that PTSD impairs a major life activity or supports a "regarded as" claim in the context of an ADA suit. *Cameron v. Cmty. Aid For Retarded Children, Inc.*, 335 F.3d 60, 63-64 (2d Cir. 2003)(a plaintiff with PTSD and other mental health impairments was properly fired, but the court recognized that it had not yet determined whether social interaction impairments are disabilities within the meaning of the ADA). The Court finds Ms. Skipp's bare allegation that members of the judiciary both caused her to suffer PTSD and then discriminated

against her because of that PTSD, neither a novel argument in this Circuit, *Richter*, 2014 WL 1281444, at *6 (discussing a plaintiff's claim of ". . . Legal Abuse Syndrome, a form of PTSD.), nor a cognizable claim under the ADA.

In support of her "regarded as" allegation, Ms. Skipp claims that "[f]rom 2011-present, defendants have *regarded* Plaintiffs as having a mental impairment called alienating, bizarre, unknown mental health issue. . . . " Compl. at 9 (emphasis original). Ms. Skipp offers no credible, specific factual allegations that any one of the more than 40 Defendants—let alone all of the Defendants—regarded her as having a particular ailment or constellation of disabilities related to social alienation. Again, a claim cannot be based upon a bare allegation of a perceived disability.

The Court finds no factual allegations that Defendants deprived Ms. Skipp of her fundamental right to access state judicial systems. *See Tennessee*, 541 U.S. at 524-25. Indeed, Ms. Skipp's descriptions of diverse and long-lasting interactions with court officials and government employees in two states, including a Connecticut court's seven-day hearing on her mental health, Compl. at ¶ 127-28, indicate that Ms. Skipp received a considerable amount of due process.[1] The Court therefore dismisses Ms. Skipp's ADA claims as "frivolous or malicious" under 28 U.S.C. § 1915(e)(2)(b). Any claims that remain would seek to overturn the decisions of state divorce and family courts, over which this Court has no jurisdiction. The

[1] At the September 19, 2018 hearing before the Court, Ms. Skipp suggested that her due process rights had been violated in a manner similar to plaintiffs in an another case before the Court earlier this year. *J.S.R. by & through J.S.G. v. Sessions*, No. 3:18-CV-01106-VAB, 2018 WL 3421321, at *2 (D. Conn. July 13, 2018). The Court disagrees. Among the operative facts of *J.S.R.*, a 14-year-old went to take a shower in a civil detention center in Texas and returned to her room to find that her mother was gone. *Id.* at *3. The girl was then transferred to a detention center in Connecticut, while her mother remained detained in Texas. *Id.* In contrast to the seven-day mental health trial that Ms. Skipp received during one of her many state court proceedings, the minors-plaintiffs in *J.S.R.* received no due process at all before being separated entirely from their parents.

Court therefore adopts Judge Garfinkel's Recommended Ruling with respect to all other claims.

B. The State Court Proceedings

In his Recommended Ruling, Magistrate Judge Garfinkel concluded that Ms. Skipp's Complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B) because the Court lacked jurisdiction over Ms. Skipp's claim. Recommended Ruling at 2. In reaching this recommendation, Judge Garfinkel applied the *Rooker-Feldman* doctrine, which bars a party "from seeking what is in substance appellate review of the state judgment in federal district court based on the party's claim that the state judgment violates his or her federal rights." *Id.* at 2 -3 (citing *Rooker v. Fidelity Trust Co*., 263 U.S. 413, 414-15 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486 (1983)). In essence, Ms. Skipp seeks to challenge her state court proceedings under the Americans with Disabilities Act, 42 U.S.C. § 12132, and Section 605, 29 U.S.C. § 794(a).

Judge Garfinkel determined that the four requirements for application of the doctrine are met in this case. Recommended Ruling at 3-4. The state court proceedings were before the commencement of this lawsuit, and Ms. Skipp lost in those proceedings. *Id.* Additionally, the Ms. Skipp's allegations involve conduct taken in connection with the proceedings, and the Complaint invites this Court to review the state court rulings. *Id.* at 4.

In her objection to Judge Garfinkel's Recommended Ruling, Ms. Skipp contends that the "Rooker-Feldman [test] is misplaced, being non-applicable in this matter [because . . . . t]he question before the state court is one of custody under the UCCJEA. The instant complaint is violation of ADA Title II." Pl. Obj., ECF No. 20. As explained above, the Court therefore understands Ms. Skipp to be asserting, in part, federal question jurisdiction under the

Americans with Disabilities Act. Further, because Ms. Skipp has raised a specific objection to Magistrate Judge Garfinkel's Recommended Ruling, the Court reviews *de novo* those parts of the Recommended Ruling to which Plaintiff specifically objects, namely the application of the *Rooker-Feldman* test to this case.

The *Rooker-Feldman* test bars district courts from rehearing certain state law cases. In deciding the *Rooker* and *Feldman* cases, the Supreme Court made it clear that federal district courts are not to offer a plaintiff appellate review of her state judgments simply because she claims that her federal rights were violated along the way. *Rooker*, 263 U.S. at 414-15; *Feldman*, 460 U.S. at 486. The *Rooker-Feldman* test renders certain cases beyond the reach of the federal courts. After undertaking an independent review of *Rooker*, *Feldman*, and related cases, this Court adopts the same formulation of the *Rooker-Feldman* test as Judge Garfinkel. Recommended Ruling at 3.

As Judge Garfinkel discerned, the *Rooker-Feldman* test imposes four requirements: (1) the Plaintiff lost in state court; (2) the Plaintiff complains of injuries caused by a state-court ruling; (3) the Plaintiff invites a district court to review and reject the state court judgment; and (4) the state-court judgment was rendered before the district court proceedings commenced. *Hoblock v. Albany Cty. Bd. of Elections*, 422 F.3d 77, 85 (2d Cir. 2005) (internal quotation marks and alteration omitted); see also *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). These four requirements are clearly met in this case, as described below. Further, because Ms. Skipp makes only conclusory or general objections to Judge Garfinkel's other findings, the Court reviews those findings for clear error. *Farid*, 554 F. Supp. 2d at 307.

The Court finds that Judge Garfinkel has not erred in determining that Ms. Skipp's case meets the four requirements of the *Rooker-Feldman* test. First, Ms. Skipp acknowledges in her

Complaint, Answer to Show Cause, and recent Brief on the Merits of her ADA/ADAAA Complaint that she lost in state court. *See, e.g.*, Compl., ECF No. 2. at ¶42; Answer to Show Cause, ECF No. 21 at 9; Pl. Brief on Merits, at 5. Second, Ms. Skipp continually alleges injuries from state court rulings involving divorce and custody matters. *Id.* Third, Ms. Skipp has invited the Court to review the myriad events that have transpired in the state court system in an attempt to remove "discriminatory barriers . . . that deny [family] relationships." Brief on Merits, at 91. Fourth, Ms. Skipp seeks to upend state court judgments rendered before these proceedings commenced. *See, e.g.*, *Id.* at 3 (on Judge Moore's issuance of a decision on October 27, 2016, which precedes the filing of Ms. Skipp's Complaint in this Court by more than a year.); Compl., ECF No. 2. The Court therefore finds no clear error in Judge Garfinkel's Recommended Ruling that the Court dismiss this case under 28 U.S.C. § 1915(e)(2)(b).

Upon review of the Plaintiff's allegations, it is clear that the Plaintiff's case cannot proceed before this Court. In her Answer to Show Cause, Plaintiff asks this Court to remedy the "deprivation of parent child relations" allegedly caused by the Connecticut Judicial Branch. *Id*. at 1. Among her restated allegations, Plaintiff contends that the Waterbury Court "refuses to address and [has] denied all Motions entered by Plaintiff." *Id*. at 10. Plaintiff alleges that "[t]he Litchfield Court also chose silence . . . ." *Id*. Plaintiff alleges similar omissions and grievances against various judiciary officials involved in her state court hearings. *Id*. This Court, however, simply cannot adjudicate the merits of this case in light of the principles of federalism articulated in the Supreme Court's decisions in *Rooker* and *Feldman*. *Rooker*, 263 U.S. at 414-15; *Feldman*, 460 U.S. at 486.

The Court therefore has reviewed the Recommended Ruling. With respect to those parts of the Recommended Ruling to which Ms. Skipp specifically objects, the Court conducted a *de*

novo review and reached the same conclusions as Judge Garfinkel. With respect to those parts of the Recommended Ruling to which Ms. Skipp generally objected, the Court has not identified any "clear error." As a result, Judge Garfinkel's ruling should be upheld and this case dismissed.

Judge Garfinkel has also noted that Ms. Skipp has filed "numerous actions in this district, all of which arise from her attempts to regain custody of her children." Recommended Ruling at 4. He recommends that "the district court judge to whom this case is assigned consider whether it is appropriate to exercise this Court's sanction power at this juncture." *Id*. at 5.

Accordingly, the Court provided plaintiff with nearly three-months' notice and an opportunity to be heard on the issue of a leave-to-file injunction. Order to Show Cause, ECF No. 19. A hearing was originally scheduled and held on July 26, 2018, but the Court continued that hearing until September 19, 2018 at 10:00am because the Court determined that Ms. Skipp had not been properly notified of and sufficiently prepared to address the issue of whether a filing injunction should issue.

At the September 19th hearing and in Plaintiff's Memorandum of Law, Ms. Skipp did not articulate a matter enforceable in federal court. *See* Brief on the Merits, at 91. Rather, Ms. Skipp again alleged that many and various members of the state judiciary have harmed her through their rulings and administration of court orders. As discussed above, Ms. Skipp has alleged no viable federal claims against these state officials. The Court thus finds that Ms. Skipp's broad allegations are vexatious, in part because they could "make it more difficult to recruit personnel for all positions in the judicial branch." *See In re Martin-Trigona*, 737 F.2d 1254, 1261–62 (2d Cir. 1984).

Based upon a thorough review of the record, the Court finds that it must exercise its power and meet its obligation to protect the public from further litigation brought by Ms. Skipp in

federal court under the guise of federal law for the purpose of litigating previously rendered state court decisions. *See Lau*, 229 F.3d at 123 (recognizing that district courts have "the power and the obligation to protect the public and the efficient administration of justice from individuals who have a history of litigation entailing vexation, harassment and needless expense to [other parties] and an unnecessary burden on the courts and their supporting personnel." (internal quotation marks and citations omitted). A filing injunction therefore is issued against her.

IV. CONCLUSION

For the reasons stated above, the Court **DISMISSES** this case under 28 U.S.C. § 1915(e)(2)(B).

It is further ORDERED that Plaintiff, Susan Skipp, is hereby permanently enjoined, in the District of Connecticut, from serving upon any person, natural or legal, or any other entity, any document, motion, affidavit, declaration, or other paper purporting a loss, abrogation, or interruption of her federal rights in connection with state-court judgments rendered on or before the date of this Order.

If Ms. Skipp seeks to pursue her rights in any other federal district or in state court, she is ordered to attach this Order to any such filing. *See Doe v. Republic of Poland*, 531 F. App'x 113, 115 (2d Cir. 2013). Ms. Skipp also is hereby notified and advised that failure to honor the terms of this Order shall subject her to penalties available for contempt of this court, including but not limited to fine, imprisonment, or both.

This Order is entered with the following limitations. Nothing in this Order shall be construed as having any effect on Ms. Skipp's ability to defend herself in any criminal action brought against her. Nothing in this Order shall be construed as denying Ms. Skipp access to the courts through filing of a petition for a writ of habeas corpus or other extraordinary writ.

Nothing in this Order shall be construed as denying Ms. Skipp access to the United States Courts of Appeals. Nothing in this Order shall be construed as affecting any pending action previously brought by Ms. Skipp and presently pending in any state court or any United States Court of Appeals or any United States District Court for any district.

Having agreed to participate in electronic filing in this Court, ECF No. 26, Ms. Skipp shall be considered to have been served with this Order by its filing.

SO ORDERED this 28th day of September at Bridgeport, Connecticut.

/s/ Victor A. Bolden

VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE