

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 30th day of September, Two thousand and four.

PRESENT:

HON. WILFRED FEINBERG,
HON. RICHARD J. CARDAMONE,
HON. BARRINGTON D. PARKER,
Circuit Judges.

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NORA Z. RAMOS, ANTONIETTA MAGLIPON,

Plaintiffs-Appellants,

-v.-

Summary Order
No. 03-7966-cv

ARTHUR W. LONSCHEIN, as Justice of the Supreme Court
of the State of New York, County of Queens,
JAMES GRAYSHAW, as Judge of the Housing Court, Civil
Court of the City of New York, County of Queens,
JACK BAER, Chief Clerk of the Civil Court of the City of
New York, VINCENT SAMPIERI, BURTON RITTER,

Defendants-Appellants.

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APPEARING FOR APPELLANTS:

NORA Z. RAMOS, ANTONIETTA MAGLIPON,
pro se, Woodside, New York.

APPEARING FOR APPELLEES:

MARION R. BUCHBINDER, Senior Assistant Solicitor General, CAROL FISCHER, Assistant Solicitor General, *of counsel, for* ELIOT SPITZER, Attorney General of the State of New York, New York, New York.

UPON DUE CONSIDERATION of this appeal from the United States District Court for the Eastern District of New York (Dearie, *J.*), it is hereby ORDERED, ADJUDGED AND DECREED that the judgment of the district court is AFFIRMED.

Plaintiffs-Appellants Nora Z. Ramos and Antonietta Maglipon, *pro se*, appeal from the judgment of the United States District Court for the Eastern District of New York (Dearie, *J.*), dismissing their 42 U.S.C. § 1983 complaint pursuant to Fed. R. Civ. P. 12(b)(1) for lack of jurisdiction under the *Rooker-Feldman* doctrine. Familiarity is assumed as to the facts, the procedural context, and the specification of appellate issues.

We review *de novo* the district court's determination that it lacks subject matter jurisdiction. *See Rivers v. McLeod*, 252 F.3d 99, 101 (2d Cir. 2001). "A plaintiff asserting subject matter jurisdiction has the burden of proving by a preponderance of the evidence that it exists." *Markarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000).

The *Rooker-Feldman* doctrine bars not only claims that involve direct review of a state court decision, but also claims, as those here, which are "inextricably intertwined" with a state court decision. *Vargas v. City of New York*, 377 F.3d 200, 205 (2d Cir. 2004). It is clear that the Plaintiffs-Appellants impermissibly seek review of decisions of various state court judges. *See Hachamovitch v. DeBuono*, 159 F.3d 687, 694 (2d Cir. 1998) (a "federal claim is inextricably intertwined with the state-court judgment if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it") (quoting *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 25 (1987) (Marshall, *J.*, concurring)).

For these reasons, the judgment of the District Court is hereby AFFIRMED.

FOR THE COURT:

Roseann B. MacKechnie, Clerk

By: _____