

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JULIE CHARLES,

Petitioner,

v.

BROWN COUNTY HUMAN SERVICES,

Respondent.  
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ORDER

05-C-118-C

Petitioner Julie Charles has filed a civil action and requests leave to proceed in forma pauperis. Her pleading is accompanied by an affidavit that shows she is indigent. However, in her complaint, petitioner is challenging the decision of the Circuit Court for Brown County to award custody of her children to her husband.

Generally, federal courts have the power to hear two types of cases: (1) cases in which a plaintiff alleges a violation of his or her constitutional rights or rights established under federal law and (2) cases in which a citizen of one state alleges a violation of his or her rights established under state law by a citizen of another state *and* the amount in controversy exceeds \$75,000. 28 U.S.C. § 1331-32; see also Wild v. Subscription Plus, Inc., 292 F.3d 526 (7th Cir. 2002) (court has independent obligation to insure jurisdiction exists). Although petitioner may be attempting to claim that she was deprived of due process and

equal protection of the law in the proceedings relating to her child's custody, her claims in this court are barred by the general rule that family law matters are outside the jurisdiction of federal courts. Hisquierdo v. Hisquierdo, 439 U.S. 572, 581 (1979). If petitioner is dissatisfied with the child custody ruling of the Brown County court, her remedy is to appeal the decision through the proper state court channels. Her complaint in this court is improper and must be dismissed pursuant to Fed. R. Civ. P. 12(h)(3) on the court's own motion for lack of jurisdiction.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis is DENIED and this case is DISMISSED on the court's own motion for lack of subject matter jurisdiction.

Entered this 3rd day of March, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge