

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 04-4714

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JOHN C. KLIESH,

Appellant

v.

BUCKS COUNTY DOMESTIC RELATIONS

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On Appeal From the United States District Court  
For the Eastern District of Pennsylvania  
(D.C. Civ. No. 04-cv-04403)  
District Judge: Honorable Clarence C. Newcomer

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Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
October 6, 2005

Before: SLOVITER, MCKEE AND FISHER, Circuit Judges.

(Filed October 27, 2005)

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OPINION

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PER CURIAM

John C. Kliesh filed a complaint against Bucks County Court of Common Pleas Domestic Relations Division (“Domestic Relations Division”) relating to alleged wrongs stemming from the filing of documents and the entry of an order in child support

proceedings. Ruling on the Domestic Relations Division's motion, the District Court dismissed the complaint because the Domestic Relations Division is not a person under 42 U.S.C. § 1983 and because a federal court cannot enforce state law against state officials acting in their official capacities. Kliesh moved for reconsideration, which the District Court denied. Kliesh appeals. He also moves to stay the underlying Domestic Relations Division child support order and to expedite this appeal.

We will affirm because no substantial question is presented on appeal. See L.A.R. 27.4. As the District Court concluded, the named Defendant, the Bucks County Court of Common Pleas Domestic Relations Division, is not a person under 42 U.S.C. § 1983. See Callahan v. City of Phila., 207 F.3d 668, 674 (3d Cir. 2000). Furthermore, to the extent Kliesh brings claims against a Domestic Relations Division judge or other employee, a federal court cannot enforce state law against a state official acting in his or her official capacity. See Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 106 (1984). The Rooker-Feldman doctrine bars the review of a state court child support order, review that Kliesh sought in District Court through his complaint, and seeks in this Court through his motion for a stay of the support order. See Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 125 S. Ct. 1517, 1521-22 (2005). In addition, there were no grounds for reconsideration of the District Court's order dismissing Kliesh's complaint. Therefore,

we will summarily affirm the District Court.<sup>1</sup> Kliesh's motion for a stay is denied. No exceptional reason warrants granting Kliesh's motion for an expedited appeal, so that motion also is denied.

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<sup>1</sup>In coming to this conclusion, we have considered the arguments set forth in Appellant's brief, filed for the Court's information.