

## Refusal to Interfere with State-Court Litigation Over Control of a Minor Party

*Essenberg v. Berman*

(*Thomas J. McAvoy, N.D.N.Y. 1:00-cv-317*)

Applying the *Rooker-Feldman* doctrine, in light of pending state-court litigation over control of a minor party, the district judge dismissed a complaint challenging the exclusion of a candidate from the party's primary election. The court of appeals dismissed as moot an appeal filed after the election.

*Subject:* Getting on the ballot. *Topics:* Getting on the ballot; matters for state courts; primary election; party procedures.

Supporters of Donald Trump filed a federal complaint in the Northern District of New York on February 22, 2000, seeking an order placing Trump on the Independence Party ballot for the March 7 presidential primary election.<sup>1</sup>

The Independence Party, the name for the Reform Party in New York, was experiencing internal conflict between supporters of Trump and supporters of Pat Buchanan.<sup>2</sup>

Judge Thomas J. McAvoy dismissed the complaint on March 2.<sup>3</sup> Under the *Rooker-Feldman* doctrine, among federal courts only the Supreme Court has appellate jurisdiction over state-court proceedings.<sup>4</sup>

The court of appeals dismissed the appeal, which was filed on April 10, 2000, as moot.<sup>5</sup>

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1. Docket Sheet, *Essenberg v. Berman*, No. 1:00-cv-317 (N.D.N.Y. Feb. 22, 2000) [hereinafter N.D.N.Y. Docket Sheet] (D.E. 1); see Appellant Brief at 2–4, *Essenberg v. Berman*, No. 00-7406 (2d Cir. May 31, 2000), 2000 WL 33983234. *But see* Frank Bruni, *McCain, Bush Renew Assaults*, Albany Times Union, Feb. 14, 2000, at A1 (reporting that Trump decided against running for President in 2000); Donald J. Trump, Op-Ed, *What I Saw at the Revolution*, N.Y. Times, Feb. 19, 2000, at A15 (“I . . . saw the underside of the Reform Party.”).

2. See Eric Herman, *Rumblings in Reform Party*, N.Y. Daily News, Jan. 30, 2000, at 55.

3. N.D.N.Y. Docket Sheet, *supra* note 1 (D.E. 11); see Appellant Brief, *supra* note 1, at 2–3 (identifying the *Rooker-Feldman* doctrine as an issue on appeal).

4. D.C. Ct. App. v. Feldman, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); see Martin A. Schwartz, Section 1983 Litigation 21–24 (Federal Judicial Center 3d ed. 2014).

5. *Essenberg v. Berman*, 234 F.3d 1261 (2d Cir. 2000) (table), *summary order available at* 2000 WL 1551278.