

2016 WL 1039578

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United States Court of Appeals,
Second Circuit.

Celestine WENEGIEME, Plaintiff–Appellant,

v.

WELLS FARGO HOME MORTGAGE,
et al., Defendants–Appellees.

No. 15–214–CV.

|

March 16, 2016.

Appeal from a judgment of the United States District Court
for the Southern District of New York ([McMahon, J.](#)).**Attorneys and Law Firms**Celestine Wenegieme, pro se, Bronx, NY, for Plaintiff–
Appellant.[Jason M. Myers](#), Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP, New York, NY, for defendants-appellees Alba
Law Group, Thomas P. Dore, and Mark Devan.[Christian Fletcher](#) ([Lisa J. Fried](#), [Michael T. Snyder](#) on
the brief), Hogan Lovells U.S. LLP, New York, NY, for
defendant-appellee Wells Fargo Home Mortgage.Present [ROSEMARY S. POOLER](#), [RICHARD C. WESLEY](#),
Circuit Judges and [JANET C. HALL](#),^{*} Chief Judge.**SUMMARY ORDER*****1 UPON DUE CONSIDERATION, IT IS HEREBY
ORDERED, ADJUDGED, AND DECREED** that the
judgment of the district court is **AFFIRMED**.Appellant Celestine Wenegieme, proceeding pro se, appeals
the district court's judgment dismissing his complaint for
lack of jurisdiction pursuant to the *Rooker–Feldman* doctrine.
Wenegieme sued Wells Fargo Home Mortgage and attorneys
involved in the foreclosure sale of property that he and
his sister owned in Maryland. He alleged that the sale was
unlawful because his sister had filed for bankruptcy and
the sale violated the automatic stay. We assume the parties'familiarity with the underlying facts, the procedural history
of the case, and the issues on appeal.We review de novo a dismissal pursuant to the *Rooker–
Feldman* doctrine. [Hoblock v. Albany Cty. Bd. of Elections](#),
422 F.3d 77, 83 (2d Cir.2005). Under this doctrine, lower
federal courts lack subject-matter jurisdiction over claims that
effectively challenge state court judgments. See *D.C. Ct.App.
v. Feldman*, 460 U.S. 462, 486–87 (1983); *Rooker v. Fidelity
Trust Co.*, 263 U.S. 413, 416 (1923). The doctrine applies
when: (1) the federal court plaintiff lost in state court; (2)
the plaintiff complains of injuries caused by a state court
judgment; (3) the plaintiff invites the federal court to review
and reject that judgment; and (4) the state court judgment was
rendered prior to the commencement of proceedings in the
district court. [Hoblock](#), 422 F.3d at 85.The district court held that all four requirements were met,
and therefore that it did not have subject matter jurisdiction
over Wenegieme's claim. In his brief on appeal, Wenegieme
does not contest any of these elements, and he has therefore
waived any challenge to the district court's ruling on this
issue. See, e.g., [Gerstenbluth v. Credit Suisse Sec. \(USA\)
LLC](#), 728 F.3d 139, 142 n. 4 (2d Cir.2013) (holding that,
where a pro se appellant “[did] not mention the substance”
of the district court's ruling with respect to one defendant, he
“waived any challenge to this aspect of the [d]istrict [c]ourt's
judgment” “notwithstanding the latitude we traditionally
afford *pro se* litigants”); [LoSacco v. City of Middletown](#), 71
F.3d 88, 93 (2d Cir.1995) (holding that although “appellate
courts generally do not hold *pro se* litigants rigidly to
the formal briefing standards set forth in [Fed. R.App. P.
28](#) ... we need not manufacture claims of error for an
appellant proceeding *pro se*”). Wenegieme argues only
that the district court had jurisdiction because the complaint
involved a bankruptcy matter. However, Wenegieme did not
file a bankruptcy petition; his complaint invoked the court's
diversity jurisdiction and challenged the state foreclosure
action. He contends that the foreclosure sale violated the
automatic stay, but this does not present a basis for federal
court jurisdiction under these circumstances.We have considered all of Wenegieme's arguments and find
them to be without merit. Accordingly, we **AFFIRM** the
judgment of the district court.**All Citations**

--- Fed.Appx. ----, 2016 WL 1039578 (Mem)

Footnotes

- * Judge [Janet C. Hall](#), of the United States District Court for the District of Connecticut, sitting by designation.

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