United States Court of Appeals
For the First Circuit

No. 11-2203

ANDREW ARVANITIS, ET AL.,

Plaintiffs, Appellants,

v.

DONALD R. MARQUIS. ET AL.,

Defendants, Appellees,

MASSACHUSETTS DEPARTMENT OF CORRECTION, ET AL.,

Defendants.

Before

Boudin, Howard and Thompson,
Circuit Judges.

JUDGMENT

Entered: September 5, 2012

Plaintiffs-appellants Andrew Arvanitis and Edward Jacobs appeal from the dismissal of their amended complaint. Our review is de novo, accepting all well-pleaded facts in the amended complaint as true and "indulging all reasonable inferences." Davison v. Govt. of Puerto Rico-Puerto Rico Firefighters, 471 F.3d 220, 222 (1st Cir. 2006). In making our inquiry, we are "not wedded to the lower court's rationale and may affirm the district court's order of dismissal on any ground made manifest by the record." Decotiis v. Whittemore, 635 F.3d 22, 28 (1st Cir. 2011) (internal quotation marks omitted).

The district court properly dismissed the amended complaint under what has become known

as the Rooker-Feldman doctrine. See Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005). The Civil Service Commission held it had no jurisdiction over plaintiffs-appellants' appeal because it found them to be similarly situated to all other Educational Specialists in The Division of Inmate Training and Educational; and, therefore, their reclassification requests were governed by the collective bargaining process under Massachusetts law. The state courts affirmed the Commission's decision. For a federal court to say that Arvanitis and Jacobs have a right to challenge their job classifications outside the collective bargaining process would be to say that the Commission and the state courts were incorrect. A federal court may not do that. Only the Supreme Court of the United States has the authority to review and reject state court judgments. Further, if a federal court were to find a due process violation in defendants-appellees' conduct, that determination would undermine the decision of the Commission and courts that they do not have jurisdiction to decide those claims. Implicit requests to review and reject state court judgments is barred by Rooker-Feldman. See Federation de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico, 410 F.3d 17 (1st Cir. 2005). Thus, we agree that the only injury alleged was ultimately caused by a state court judgment. See Davison, supra.

The district court also properly dismissed the claim for an award of damages against the Associate Justices. The amended complaint contains insufficient allegations that these defendants-appellees acted outside of their jurisdiction, so they have absolute immunity from personal liability. See Stump v. Sparkman, 435 U.S. 349, 356-57 (1978).

Finally, the district court properly dismissed the claim for an award of damages against the agency defendants-appellees. Public officials have qualified immunity for actions taken while performing discretionary functions. See Barton v. Chancy, 632 F.3d 9, 21 (1st Cir. 2011). Reclassification of civil service positions is a discretionary function. "Qualified immunity protects government officials from personal liability arising from violations of constitutional rights that were not clearly established when the challenged conduct occurs." San Geronimo Caribe Project, Inc. v. Acevedo-Vila, __ F.3d. __, 2012 WL 3002559 (No. 09-2566, July 24, 2012) (internal quotation marks and citation omitted). "A right is clearly established if a reasonable official is on clear notice that what he or she is doing was unconstitutional. The plaintiffs have the burden to demonstrate that the law was clearly established." See Cortes-Reyes v. Salas-Quintana, 608 F.3d 41, 52 (1st Cir. 2010) (internal quotation marks and citations omitted). Arvanitis and Jacobs contend their federal due process rights were violated because the DOC and HRD defendants-appellees ignored the DOC regulatory requirement that they be allowed to submit an interview guide and rebuttal prior to the commission hearing. However, we have noted that "[t]he due process clause does not incorporate the particular procedural structure enacted by state or local governments. . . ." Chmielinski v. Massachusetts, 513 F.3d 309, 316 n.5 (1st Cir. 2008) (internal quotation marks and citations omitted). Arvanitis and Jacobs have cited no authority establishing as a matter of federal constitutional law that the DOC or HRD defendants-appellees were required to give them the chance to submit an interview guide or rebuttal. Thus, Arvanitis and Jacobs have not satisfied their burden of demonstrating that the DOC or HRD defendants-appellees were on clear notice that what they were doing was somehow unconstitutional. As a result, the agency defendants-appellees are entitled to qualified immunity from personal liability.

Arvanitis and Jacobs also contend the commission defendants-appellees are not entitled to

qualified immunity because they purportedly failed to accord Arvanitis and Jacobs pre-deprivation notice and opportunity to be heard by refusing to consider individual requests for jurisdiction under Mass. Gen. Laws ch. 31, § 2(b). This claim would be barred by Rooker-Feldman.

We have considered all the arguments and conclude that relief is not warranted.

The dismissal of the amended complaint is affirmed. See 1st Cir. R. 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk.

cc:
Andrew Arvanitis
Maryanne Reynolds
Edward Jacobs