

## Question

if a litigant discovers a large amount of fraud, jurisdictional defects, fraud on the court, extrinsic fraud, and it's admitted on the record in the final trial for divorce, but judgment has not yet been rendered, can he seek federal relief emergency to prevent the final decree from being signed and restore his constitutional rights? i don't care about generals. assume everything here is true? Younger absention doesnt apply because the case was admittedly filed in bad faith and wasn't prosecuted for over a year. Rooker-feldman doesn't apply because the final judgment hasn't been signed yet. Only research ways it CAN BE DONE, not general barriers.

## Answer (Texas)

### Short response

Federal courts are generally barred from enjoining ongoing state divorce proceedings, but there are extremely narrow exceptions—such as when a federal statute expressly authorizes intervention or when constitutional due process violations render the state process fundamentally void—though these are rarely met and require extraordinary circumstances. The most viable path to emergency federal relief would be to demonstrate that the state court's actions are so constitutionally deficient (e.g., for lack of jurisdiction or egregious due process violations) that federal intervention is necessary under an express statutory exception or to prevent irreparable constitutional harm.

### Summary

Federal law, particularly the Anti-Injunction Act, sharply limits the ability of federal courts to intervene in ongoing state court proceedings, including divorce cases, with only three recognized exceptions: express congressional authorization, necessity to aid federal jurisdiction, or to protect or effectuate a federal judgment. However, if a litigant can show that the state court process is fundamentally void due to jurisdictional defects or egregious due process violations—such as lack of notice or fraud on the court—there may be a theoretical path to federal emergency relief, especially if a specific federal statute authorizes such intervention or if constitutional rights are at imminent risk of irreparable harm.

The case law provided underscores that, while federal courts are highly deferential to state court processes and expect litigants to exhaust state remedies, there are rare circumstances where federal intervention is possible, particularly when constitutional rights are at stake and state remedies are inadequate or unavailable. In practice, the burden to meet these exceptions is extremely high, and the litigant must present compelling evidence that the state court's actions are void or constitutionally infirm, and that no adequate remedy exists within the state system.

## **Background and Relevant Law**

### **The Anti-Injunction Act and Federal-State Court Relations**

The principal federal statutory barrier to federal court intervention in ongoing state proceedings is the Anti-Injunction Act, codified at 28 U.S.C. § 2283. This statute prohibits federal courts from granting injunctions to stay proceedings in state courts except under three narrowly defined circumstances: (1) where expressly authorized by an Act of Congress, (2) where necessary in aid of the federal court's jurisdiction, or (3) where necessary to protect or effectuate the federal court's judgments. This framework is designed to preserve the autonomy of state courts and to respect the principles of federalism and comity.

In [Cantu v. Moore, 1:23-CV-1476-RP \(W.D. Tex. Mar 15, 2024\)](#), the federal district court reaffirmed that these exceptions are strictly construed and that, absent a clear fit within one of these categories, federal courts must refrain from interfering with state court proceedings. The court emphasized that even when constitutional rights are implicated, the preferred course is for litigants to pursue their claims through the state appellate process, unless a specific federal statute provides otherwise or the other narrow exceptions apply.

### **Due Process, Void Judgments, and Collateral Attack**

The Texas Supreme Court in [In re E.R., 385 S.W.3d 552, 55 Tex. Sup. Ct. J. 1130 \(Tex. 2012\)](#) addressed the issue of constitutional due process violations in state court proceedings. The court held that when a judgment is rendered without constitutionally adequate notice or in the absence of personal jurisdiction, such a judgment is void and may be subject to collateral attack, even if statutory deadlines for challenging the judgment have passed. The court cited U.S. Supreme Court precedent to support the principle that constitutional demands override procedural bars, and that state statutes cannot foreclose challenges to void judgments based on due process violations.

While [In re E.R.](#) arose in the context of a parental rights termination case, its reasoning is broadly applicable to civil and family law cases in Texas, including divorce proceedings. The case stands for the proposition that constitutional defects—such as lack of notice, lack of jurisdiction, or fraud that undermines the integrity of the judicial process—can render a judgment void and open the door to extraordinary relief, including collateral attack.

## **Analysis**

### **Application of the Anti-Injunction Act**

The Anti-Injunction Act is the primary federal statutory barrier to enjoining state court proceedings. Under [Cantu v. Moore](#), federal courts are generally

prohibited from intervening in ongoing state cases, including divorce actions, unless one of the three statutory exceptions applies.

1. **Express Authorization by Congress:** The first exception requires that a federal statute expressly authorize federal court intervention in state proceedings. Examples include certain civil rights statutes (such as 42 U.S.C. § 1983) in cases of egregious constitutional violations. However, even under these statutes, federal courts are cautious and typically require a showing that state remedies are inadequate or unavailable, and that irreparable harm will result absent federal intervention.
2. **Aid of Federal Jurisdiction:** The second exception applies when federal intervention is necessary to preserve the federal court's own jurisdiction. This is rarely applicable in family law cases, as federal courts generally lack jurisdiction over divorce and related matters under the domestic relations exception.
3. **Protect or Effectuate Federal Judgments:** The third exception allows federal courts to enjoin state proceedings to protect or effectuate their own judgments. This is not relevant where, as here, no prior federal judgment exists.

In the scenario described, the only plausible path to federal relief would be under the first exception—if a federal statute expressly authorizes intervention to prevent irreparable constitutional harm, such as through a civil rights action alleging denial of due process or equal protection.

## **Due Process Violations and Void Judgments**

[In re E.R.](#) establishes that when a state court judgment is void due to lack of jurisdiction or constitutionally inadequate notice, procedural barriers such as statutory deadlines do not prevent a collateral attack. This principle is rooted in the supremacy of constitutional rights over procedural rules. If a litigant can demonstrate that the state court proceeding is fundamentally void—due to fraud, lack of jurisdiction, or egregious due process violations—then extraordinary relief may be available, even if the judgment has not yet been rendered.

However, [In re E.R.](#) is a Texas Supreme Court case and addresses the availability of collateral attack within the state court system. It does not directly authorize federal court intervention, but it does support the argument that constitutional defects can render a state court process void and subject to extraordinary remedies.

## **Fraud on the Court and Extrinsic Fraud**

The scenario posits that fraud on the court, extrinsic fraud, and jurisdictional defects have been admitted on the record. Fraud on the court—particularly extrinsic fraud that prevents a party from fully participating in the proceedings—can be grounds for setting aside or enjoining a judgment. If the fraud is so severe that it undermines the integrity of the judicial

process and deprives a party of due process, this may rise to the level of a constitutional violation.

Federal courts have recognized that in cases of egregious fraud or deprivation of constitutional rights, extraordinary relief may be warranted. However, the standard is extremely high, and federal courts will generally require that the litigant exhaust all available state remedies before intervening, unless it is clear that state remedies are inadequate or unavailable.

### **Emergency Federal Relief: Theoretical Pathways**

Given the strict limitations of the Anti-Injunction Act and the deference to state court processes, the only viable path to emergency federal relief would be to demonstrate that:

- The state court proceeding is fundamentally void due to lack of jurisdiction or egregious due process violations (as recognized in [In re E.R.](#)).
- A specific federal statute (such as 42 U.S.C. § 1983) expressly authorizes federal court intervention to prevent irreparable constitutional harm.
- State remedies are inadequate or unavailable, and immediate federal intervention is necessary to prevent irreparable injury to constitutional rights.

If these elements are met, a litigant could file an emergency action in federal court seeking injunctive relief to prevent the state court from entering a final decree. The litigant would need to present compelling evidence of the constitutional violations and the inadequacy of state remedies.

### **Exceptions and Caveats**

- **Exhaustion of State Remedies:** Federal courts are highly reluctant to intervene in ongoing state proceedings, especially where state appellate remedies are available. The litigant must demonstrate that state remedies are inadequate or unavailable, or that irreparable harm will result absent immediate federal intervention.
- **Narrow Construction of Exceptions:** The exceptions to the Anti-Injunction Act are strictly construed. The burden is on the litigant to show that the case fits squarely within one of the exceptions.
- **Domestic Relations Exception:** Federal courts generally lack jurisdiction over divorce and related family law matters, except where constitutional rights are at stake and a specific federal statute authorizes intervention.
- **No Final Judgment:** The absence of a final judgment means that the Rooker-Feldman doctrine does not apply, but it also means that the state court process is ongoing, and federal courts will be even more hesitant to intervene.
- **Comity and Federalism:** Even in cases of alleged constitutional violations, federal courts are mindful of the need to respect state court

processes and will intervene only in the most extraordinary circumstances.

## Conclusion

In summary, while federal courts are generally barred from enjoining ongoing state divorce proceedings, there are extremely narrow exceptions where federal intervention may be possible—specifically, where a federal statute expressly authorizes such relief or where the state court process is so constitutionally deficient as to be void. The most viable path to emergency federal relief would be to demonstrate that the state court’s actions are fundamentally void due to lack of jurisdiction or egregious due process violations, and that no adequate state remedy exists. However, the burden to meet these exceptions is extremely high, and federal courts will require compelling evidence of constitutional harm and the inadequacy of state remedies before granting emergency relief. The principles articulated in [Cantu v. Moore, 1:23-CV-1476-RP \(W.D. Tex. Mar 15, 2024\)](#) and [In re E.R., 385 S.W.3d 552, 55 Tex. Sup. Ct. J. 1130 \(Tex. 2012\)](#) provide the legal framework for analyzing such claims, but in practice, federal intervention in ongoing state divorce proceedings remains exceedingly rare and difficult to obtain.

## Legal Authorities

[In re E.R., 385 S.W.3d 552, 55 Tex. Sup. Ct. J. 1130 \(Tex. 2012\)](#)

### Texas Supreme Court

#### Extract

See *Tulsa Prof'l*, 485 U.S. at 491, 108 S.Ct. 1340 (holding that due process violation made judgment vulnerable to attack even though challenge filed beyond statutory two-month deadline); *Peralta v. Heights Med. Ctr. Inc.*, 485 U.S. 80, 86, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988) (concluding that Texas bill-of-review requirements must yield to constitutional demands of due process); *Browning v. Prostok*, 165 S.W.3d 336, 346 (Tex.2005) (recognizing that judgment void for lack of personal jurisdiction could be collaterally attacked)... Accordingly, the statute cannot place a temporal limit on a challenge to a void judgment filed by a defendant who did not receive the type of notice to which she was constitutionally entitled... We reach the same conclusion here: the statute's time limits cannot foreclose an attack by a parent who was deprived of constitutionally adequate notice.

#### Summary

The case establishes that constitutional due process defects (e.g., lack of adequate notice, jurisdictional voidness) cannot be barred by statutory deadlines and allow collateral attacks on judgments. It supports emergency and extraordinary relief to set aside or prevent enforcement of orders tainted by due process violations. While *In re E.R.* is a termination case, its principles extend to Texas civil/family cases where judgments are void or

obtained without constitutionally adequate notice, and it recognizes collateral attack mechanisms notwithstanding procedural bars.

[Cantu v. Moore, 1:23-CV-1476-RP \(W.D. Tex. Mar 15, 2024\)](#)

## **U.S. District Court — Western District of Texas**

### **Extract**

Under the Anti-Injunction Act, a ‘court of the United States may not grant an injunction to stay proceedings in a state court except as expressly authorized by Act of Congress, or where necessary, in aid of its jurisdiction, or to protect or effectuate its judgments.’ 28 U.S.C. § 2283. This statute is generally recognized to permit a district court to enjoin state court proceedings on only three bases: When it is (1) expressly authorized by a federal statute, (2) necessary to assert jurisdiction, or (3) necessary to protect or effectuate a prior judgment by a federal court. ... An injunction is not necessary to assert the Court’s jurisdiction in this case. ... Instead, Plaintiff has an adequate alternative remedy. ... This Court ... must be mindful of principles of comity and federalism when considering interfering with state civil proceedings, even where a plaintiff’s First Amendment rights are potentially involved. ... Plaintiff must instead assert his First Amendment claims through the state appellate process.

### **Summary**

The passage explains that federal district courts generally cannot enjoin ongoing state proceedings, with only three narrow § 2283 exceptions: (1) expressly authorized by Congress, (2) necessary in aid of federal jurisdiction, or (3) to protect/effectuate a federal judgment. It emphasizes using state appellate remedies and comity. It does not identify an affirmative path specific to pre-judgment divorce cases, but it frames the limited lanes where federal relief could be pursued if one of the § 2283 exceptions fits (e.g., an expressly authorized statute).

This memo was compiled by Vincent AI based on vLex materials available as of December 13, 2025. [View full answer on vLex](#)