FILED
United States Court of Appeals
Tenth Circuit

February 13, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

JENNIFER L. DEES,

Petitioner - Appellant,

v.

PHIL WEISER; KEVIN TRASKOS; JARED POLIS; WILLIAM HOOD; ANDREW MCCALLIN; ANGELA BOYKINS; BRIAN BOATRIGHT; MELISSA HART; MONICA MARQUEZ; RICHARD GABRIEL; CARLOS SAMOUR, JR.; MARIA BERKENKOTTER; JOSEPH STOCKWELL; JOHN AND JANE DOES,

Respondents - Appellees.

No. 25-1336
(D.C. No. 1:25-CV-01680-LTB-RTG)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ**, **KELLY**, and **CARSON**, Circuit Judges.

Jennifer L. Dees initiated this case in the United States District Court for the District of Colorado with a pro se pleading entitled, "Emergency Hybrid Motion for

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and for Injunctive and Declaratory Relief under 42 U.S.C. § 1983, with Request for Temporary Restraining Order [TRO]" (the Hybrid Motion). R. at 4 (further capitalization omitted). She complains of various rulings by the district court. But because the district court has yet to dismiss or otherwise dispose of Dees's case, we lack jurisdiction under 28 U.S.C. § 1291 to review many of the arguments she raises on appeal. We do, however, have jurisdiction to review the district court's denial of her request for a preliminary injunction. *See* 28 U.S.C. § 1292(a)(1). We affirm the denial.

I. BACKGROUND

This lawsuit is part of a years-long dispute between Dees and her ex-husband, Joseph Stockwell, regarding custody over L.D., her minor son. Stockwell is not L.D.'s biological father, but he was granted custody over L.D. in 2013 by a Denver county court shortly after the couple divorced. Dees maintains that the custody order was void for various reasons, including that the county court lacked jurisdiction, that the county judge engaged in judicial misconduct, and that Stockwell filed forged documents. Dees unsuccessfully petitioned the Supreme Court of Colorado for an Order to Show Cause under Colorado Appellate Rule 21.

In May 2025 Dees filed her Hybrid Motion in federal court. She named Stockwell, 10 John or Jane Does, and 12 public officials as defendants, including all seven Justices of the Colorado Supreme Court. Among other relief, Dees requested that a writ of habeas corpus issue ordering the release of L.D. from Stockwell's custody, that the custody order be declared void, and that defendants be enjoined

from enforcing or recognizing the custody order or interfering with Dees's "federally protected rights of custody, familial association, or access to her son's medical, educational, or legal records." R. at 36.

The Hybrid Motion was assigned to a magistrate judge, who issued an order instructing Dees to cure various deficiencies in her pleading if she wished to pursue her habeas claim. In particular, it instructed Dees to file an application for a writ of habeas corpus under 28 U.S.C. § 2241 or § 2254, and it advised her that habeas proceedings would be appropriate "only if she is seeking release from illegal government custody." R. at 134. In an effort to comply Dees filed, on a court-approved form, an "Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241" (the Habeas Application) on June 2, 2025. R. at 137 (further capitalization omitted).

On July 9, 2025, the magistrate judge issued a second order, which explained that Dees "lacks standing to prosecute claims on her minor child's behalf unless she is represented by an attorney." R. at 148. And, again, he advised her that a habeas application was appropriate only if she was seeking release from government custody. The order instructed Dees to cure these deficiencies in the Habeas Application and denied her initial pleading—the Hybrid Motion—with leave to file a cured pleading.

Dees then filed a pro se "Emergency Motion for Assignment to Article III Judge and Reconsideration of July 9, 2025 Order" (the Emergency Motion). R. at 152 (further capitalization omitted). The motion said that she had not consented to the

magistrate judge's jurisdiction, sought vacatur of the second order to cure deficiencies, and requested immediate review by an Article III judge of her requests for a TRO, preliminary injunction, and declaratory relief. Dees also filed a petition for a writ of mandamus from this court, which we denied.

The district court liberally construed the Emergency Motion as an objection to the magistrate judge's July 9 order. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (courts are to construe pro se pleadings liberally). The court overruled Dees's objections, explaining that she could not bring a pro se claim on behalf of her son and that habeas corpus does not extend to child-custody determinations. It advised her that "to the extent [she] wishes to bring her own claims under 42 U.S.C. § 1983, she must do so in separate civil action. She may not proceed with a hybrid pleading that asserts both civil rights claims and a request for habeas corpus relief." R. at 178. *See In re Noble*, 663 F. App'x. 188, 190–91 (3d Cir. 2016) (per curiam) ("Given the differences between petitions for habeas relief and complaints seeking redress for civil rights violations—including the difference in filing fees, the distinct statutory schemes implicated by each type of action . . . , and the dissimilar standards for briefing, screening, and processing of habeas petitions versus civil rights complaints," the district court appropriately severed the civil-rights claims from the habeas corpus claims).

As for the requests for an injunction and a TRO, the district court reviewed Dees's motions de novo "in an abundance of caution" and addressed them on the merits. R. at 177. But it found that neither a preliminary injunction nor a TRO was

warranted because she failed to allege facts that demonstrate a substantial likelihood of prevailing on the merits.

On appeal Dees challenges several aspects of the district court's order. She asserts, for example, that the district court erred in denying her next-friend standing. She also argues that the district court should have permitted her habeas claim to free her son from custody. But we lack jurisdiction to hear most of these claims because the district court has yet to issue a final judgment. *See* 28 U.S.C. § 1291; *Mohamed v. Jones*, 100 F.4th 1214, 1217 (10th Cir. 2024) (federal appellate jurisdiction is generally limited to final district-court orders). The only issue properly before us is whether the district court erred in denying Dees's request for a preliminary injunction. *See* 28 U.S.C. § 1292(a). We limit our review to that issue and affirm.

II. DISCUSSION

We review the denial of a preliminary injunction for abuse of discretion, examining the court's legal conclusions de novo and its factual findings for clear error. *See Citizens United v. Gessler*, 773 F.3d 200, 209 (10th Cir. 2014). To obtain a preliminary injunction the moving party must show:

> (1) that it has a substantial likelihood of prevailing on the merits; (2) that it will suffer irreparable harm unless the preliminary injunction is issued; (3) that the threatened injury outweighs the harm the preliminary injunction might cause the opposing party; and (4) that the preliminary injunction if issued will not adversely affect the public interest.

Prairie Band of Potowatomi Indians v. Pierce, 253 F.3d 1234, 1246 (10th Cir. 2001).

To the extent that Dees's request for a preliminary injunction is related to the habeas petition she brought on behalf of L.D., we agree with the district court that this claim is unlikely to succeed. Dees was advised both by the magistrate judge and by the district judge that she cannot bring a claim on behalf of her minor child unless she is represented by an attorney. *See Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986) (per curiam) ("[A] minor child cannot bring a suit through a parent acting as next friend if the parent is not represented by an attorney"). She was given multiple opportunities to cure this deficiency but failed to do so. She was also advised that the district court would not be able to exercise habeas jurisdiction unless she alleged that she was "in custody." R. at 149 (citing *Maleng v. Cook*, 490 U.S. 488, 490–91 (1989)). And she was advised three times that habeas relief is not available in child-custody disputes. *See, e.g.*, R. at 178 (citing *Lehman v. Lycoming Cnty. Child.'s Servs. Agency*, 458 U.S. 502, 511 (1982) ("[F]ederal habeas has never been available to challenge parental rights or child custody")). On appeal Dees tries to distinguish *Lehman* on the ground that it "does not shield state actors who fabricate jurisdiction to conceal trafficking under color of law." Aplt. Br. at 18. But *Lehman* did not recognize, or even suggest, an exception to the ban on federal habeas review of state custody proceedings. *See Lehman*, 458 U.S. at 512 ("[E]xtending the federal writ to challenges to state child-custody decisions—challenges based on alleged constitutional defects collateral to the actual custody decision—would be an unprecedented expansion of the jurisdiction of the lower federal courts").

We recognize that Dees may have been attempting to bring claims on her own behalf, not just on behalf of L.D., under § 1983. But the district court made clear that she would have to pursue those claims through a separate proceeding.[1] She did not challenge that ruling, declined to file a separate § 1983 claim, and does not press her § 1983 claims on appeal.

Because none of Dees's claims are likely to succeed on the merits, we need not address the remaining preliminary-injunction factors. *See Petrella v. Brownback*, 787 F.3d 1242, 1257 (10th Cir. 2015).

We **AFFIRM** the denial of injunctive relief and **GRANT** Dees's request to proceed *in forma pauperis*.

Entered for the Court

Harris L Hartz
Circuit Judge

[1] More than a year before filing the present suit, Dees filed a § 1983 action in the United States District Court for the District of Colorado raising some of the same constitutional provisions in claims against several of the same defendants. *See Dees v. Hood*, No. 24-CV-00848-PAB-NRN, 2025 WL 2416449, at *1–2 (D. Colo. Aug. 21, 2025).