

IN THE COURT OF APPEALS OF IOWA

No. 3-202 / 11-1576
Filed April 24, 2013

TRACY ALAN BARNETT,
Plaintiff-Appellant,

vs.

DAVENPORT POLICE DEPARTMENT,
Defendant-Appellee.

Appeal from the Iowa District Court for Scott County, Mary E. Howes,
Judge.

Plaintiff appeals the dismissal of his case. **AFFIRMED.**

Tracy A. Barnett, Petersburg, Virginia, appellant pro se.

Brian E. Heyer, Assistant City Attorney, Davenport, for appellee.

Considered by Vogel, P.J., and Potterfield and Doyle, JJ.

VOGLE, P.J.

Tracy Alan Barnett appeals the district court order denying his “Motion for Mandamus or Injunction to Enforce Production of Documents” and dismissing his case.¹ The district court found there is no basis in law for the Barnett’s suit and it had no jurisdiction over matters sealed by order of the federal district court. We agree.

Barnett claims the information requested—the police report from his 2006 arrest—should not have been sealed by the federal district court because sealing was contrary to Iowa law as well as his First and Fourteenth Amendment rights.² Specifically he claims the report was released to a media outlet and therefore cannot be confidential and must be released to him based on the reasoning of *Quad-City Community News Service, Inc. v. Jebens*, 334 F. Supp. 8 (S.D. Iowa 1971). Iowa courts have no power to usurp a federal court seal, even if a claimant attempts to conjure up a claim involving state law. See Iowa Code § 602.5103 (2011) (detailing our jurisdiction). Had the federal district court erred in sealing the report, Barnett should have appealed that decision in federal court, not attempt to by-pass that process via our state courts. We therefore affirm the district court’s order pursuant to Iowa Court Rule 21.29(1)(e).³

AFFIRMED.

¹ The defendant, the Davenport Police Department, did not file a brief on appeal.

² In the alternative, Barnett argues the federal district court only sealed “Defendant’s Exhibit B” not the police report itself. According to the federal district court, Exhibit B is a compilation of police reports relating to the offense and we find this attempt to bypass the federal seal without merit.

³ Barnett also requests we grant him leave to add U.S. Assistant Attorney Richard Westphal, and Davenport Assistant City Attorney Brian Heyer as codefendants. He also requests we shift costs to these men and the police department. We decline his requests.