UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

CIVIL #4-91-202

James Emison, Judy Fairbanks, Marie Iverson, Ken Dean, Steve Castillo, Lew Freeman, and Yao Lo, individually and on behalf of all Citizens and Voters of the State of Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein, and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated,

Intervening Plaintiffs,

v.

Joan Growe, Secretary of State of the State of Minnesota; Mark Lundgren, Carver County Auditor, individually and on behalf of all County Auditors

ORDER OF STAY OF ALL PROCEEDINGS PENDING BEFORE THE MINNESOTA SPECIAL REDISTRICTING PANEL IN COTLOW V. GROWE NO. C8-91-985

of the State of Minnesota,

Defendants,

and

The Seventy-seventh Minnesota State House of Representatives; and the Seventy-seventh Minnesota State Senate,

Defendant Intervenors,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant Intervenor.

AND

Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock, and Frank Ringsmuth,

Plaintiffs,

v.

Joan Growe, Secretary of State of the State of Minnesota,

Defendant,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant
Intervenor.

Before CHIEF JUDGE LAY, Circuit Judge, MacLAUGHLIN, District Judge, and MAGNUSON, District Judge.

BY DONALD P. LAY, United States Circuit Judge, and PAUL A. MAGNUSON, United States District Judge.

In January a Minnesota state district court suit was commenced challenging the Constitutionality of the legislative apportionment act, Minn. Stat. §§ 2.019, 2.042-2.702 (1990), and the Congressional apportionment plan set forth in LaComb v. Grove, 541 F.Supp. 145. (D. Minn. 1982)[1] A similar action was brought in the federal district court on March 18, 1991, challenging both the state and

[1] Cotlow v. Growe, No. C8-91-985 (Minn. Special Redistricting Panel filed January, 1991). The state district court proceeding was assigned to a three-judge court under the general constitutional authority of the Chief Justice to move and transfer judges from one district to another. See Minn. Stat. § 2.724, subd.1 (1992). No Minnesota law requires the approval of a legislative reapportionment plan by a three-judge court as does the federal statute under 28 U.S.C. § 2284 (1988).

congressional apportionment laws.[2] However, on May 18, 1991, the Minnesota legislature passed Chapter 246, S.F. No. 1571, establishing a legislative redistricting plan. Although the Governor attempted to veto this bill, a state district court ruled on August 2, 1991, that Chapter 246 was validly enacted because the Governor had not timely exercised his veto power.[3] No appeal was taken from this decision. A separate suit was thereafter commenced in federal district court on August 9, 1991, by a group of Minnesota voters to declare Chapter 246 unconstitutional.[4] All federal actions were subsequently consolidated.

Oral representations were made in this court by the Minnesota State Attorney General and the majority legislative party that Chapter 246 was unconstitutional, and that the state legislature planned to take further action in January, 1992, to remove the constitutional deficiencies of Chapter 246 by amendment and to enact a valid congressional redistricting plan. These same parties then requested this court not only to defer further proceedings until the legislature acted but also to abstain from further judicial action because of the ongoing state court proceedings.

In our order of August 21, 1991, this court found that under current principles relating to federal abstention, and under the unique circumstances present in this case, we could not abstain simply because there existed ongoing state court Proceedings. At that time we pointed out that the plaintiff class in the original federal suit included minority members alleging federal voting

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[2] Emison v. Growe, No. 4-91-202 (D. Minn. filed March 18, 1991).

[3] The Seventy-seventh Minn. State Senate v. Carlson, No. C3-91-7547 (Ramsey County Dist. Ct. August 2, 1991).

[4] Benson v. Growe, No. 4-91-603 (D. Minn. filed August 9, 1991).

right violations under Section 2 of the Voting Rights Act of 1965. We also noted the time-consuming nature of the full state court process for review of the legislative plan anticipated in January of 1992, and that an ultimate state court appeal could not be procured to constitutionally define the districts in time for the election process to take place in Minnesota. Under such circumstances, we deemed abstention improper. Other reasons were also clear. There was no allegation of ambiguity in state law requiring state clarification. Furthermore, at the time the federal lawsuit was initiated in Benson v. Growe, no constitutional attack had been made on Chapter 246 in the state court.[5] The only state court suit then pending was the constitutional challenge to the 1982 law.

Notwithstanding our order declining to abstain due to the state court proceedings, we refused to go forward with a judicially created redistricting plan because of the state's assurances to the court that the appropriate committees would be meeting in the fall of 1991 and the legislature would pass a constitutional plan no later than January 17, 1992. It was agreed that the legislature's plan would be submitted to this court for review no later than January 20, 1992. Emison v. Growe, No. 4-91-202, at 10-11 (D. Minn. August 21, 1991) (Memorandum and Order).

In our August 21 order, we observed:

> Notwithstanding our concerns that deference to the state courts would provide difficult time constraints to make certain that a valid plan is implemented by March, 1992, we do recognize that the judiciary whether it be the state

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[5] Chapter 246 was not deemed a validly enacted state law until August 2, 1991. However, in Cotlow v. Growe, No. C8-91-985, at 3 (Minn. Special Redistricting Panel, Oct. 1, 1991), the state court found Chapter 246 to be unconstitutional.

> court or the federal court, should not substitute its judgment for legislative action in redistricting within a state for purposes of the House or Senate or for purposes of drawing lines for valid congressional districts.

Id. at 8 (emphasis added). We also emphasized the Supreme Court's directive in Reynolds v. Sims, 377 U.S. 533 (1964), that state legislatures have primary jurisdiction over legislative apportionment:

> [R]eapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.

Reynolds, 377 U.S. at 586 (emphasis added).

We continue to adhere to our order of August 21, 1991, and our subsequent scheduling order of October 5, 1991. We write at this time only because the state court has now deemed it appropriate to reveal, in a preliminary Order dated November 21, 1991, its own plan for redistricting the state legislature. It has done this in advance of any legislative action, and has announced that the court plan will be adopted to allow "an orderly appeal process." Cotlow v. Growe, No. C8-91-985, at 16 (Minn. Special Redistricting Panel, Nov. 21, 1991) (Preliminary Order for Judgment on Legislative Redistricting). The state court acknowledges that its plan will not be fully implemented if the legislature does pass a reapportionment plan in January, 1992. Id. However, according to the state panel's order, "we are attempting to have final reapportionment in place in advance of the February precinct caucuses and to provide some certainty to local units of government who are anxious to begin their own redistricting process." Id. (emphasis added). The state

panel also adds that "[b]y proceeding as swiftly as possible, we intend to provide any time necessary for an orderly appeal Process and to avoid any duplicative litigation in the federal courts."Id. (emphasis added). Thus, we deem it clear that the state court intends to make its order final before the state legislature acts in January, 1992.[6]

The state court reads Scott v. Germano, 381 U.S. 407 (1965) as establishing "that state courts have a primary obligation to review redistricting issues.[7] Cotlow v. Growe, No. C8-91-985, at

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[6] At a state court hearing on December 3, 1991, the three-judge panel orally announced it would issue its final order adopting a legislative redistricting plan within the week. The state court also indicated it would adopt a Congressional redistricting plan by the end of December, 1991.

[7] Germano did encourage state courts to act in reapportionment cases where review could take place in ample time before an election. However, as we discussed in our earlier order:

> [W]e find Germano distinguishable from the present case on two grounds. First, in Germano the action had been commenced in state court in April, 1964, almost two years prior to the time of the election. Upon appeal, the Supreme Court of Illinois held the composition of: the Illinois senate invalid on February 4, 1965, but expressed confidence that the General Assembly would perform its duty to enact a constitutionally valid plan during its then current session, which expired on July 1, 1965. It is important to note that the Supreme Court of Illinois retained jurisdiction of the case so that it could take such affirmative action as necessary to ensure that a valid plan would be in place for the 1966 election. Thus, one of the distinguishing features of Germano is that the highest court of the state retained jurisdiction so that it would have time to approve a constitutionally valid plan in the event the Illinois General Assembly failed to act.
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> In addition, it is clear from the Illinois Supreme Court's holding that the General Assembly would have to enact a reapportionment plan by July 1, 1965, which again was more than a year before the 1966 election. In the present situation, the state case is now just beginning in the state district court. A recent scheduling order has been adopted by the state court with an announcement that it will issue a final redistricting plan on December 20, 1991. We recognize that an appeal from such a court ordered plan would lie to either the Minnesota Court of Appeals or to the Minnesota Supreme

16 (Minn. Special Redistricting Panel, November 21, 1991) (Preliminary Order for Judgment on Legislative Redistricting). Nothing in Germano recognizes the state court's "primary obligation" to review reapportionment plans. Rather, it makes clear that the primary responsibility for establishing apportionment plans lies with the legislative process. See Germano, 381 U.S. at 409. Thus, we find the issuance of a state court plan before the legislature has acted to be in direct violation of Scott v. Germano and existing federal law. We further believe that the premature issuance of this plan represents an attempt to improperly influence the state legislative process,[8] and encourages appeals on a hypothetical

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> Court and that the time necessary for such appellate review would certainly move the case into the early or middle part of 1992. More significantly, the process in the state courts fails to anticipate that final legislative action on both the state and congressional districts will not be completed by the state legislature until January, 1992.

Emison v. Growe, No. 4-91-202 , at 6 (D. Minn., August 21, 1991) (Memorandum and Order).

[8] See Duxbury v. Donovan, 272 Minn. 424, 432-33, 138 N.W.2d 692, 698 (1965) (discussing Smiley v. Holm, 285 U.S. 355 (1932)):

> Our court read U.S. Const. art. I, § 4, as delegating a Federal responsibility to an entity, i.e., the legislature which consists of the House of Representatives and the Senate. The United States Supreme Court, final arbiter of the meaning of the Federal Constitution, construed art. I, § 4, as assigning the task of redistricting for the purpose of Federal elections not to an entity but to a process, that is, the process by which statutory law is made in the particular state exercising the delegated authority. It is this point of divergence in thinking as between the Minnesota Supreme Court and the United States Supreme Court which accounts for the difference in result. It is correct that the entity described by the words "the legislature" in the State of Minnesota consists of the House of Representatives and the Senate and does not include the governor. The Process which is involved in the enactment of statutory law involves exercise of power delegated to the legislature as an entity either by a majority vote of each house

court plan which may never be implemented if the legislature acts as contemplated in January, 1992.

When this court considered the defendant's motion requesting our abstention in this matter, we were concerned about the ability of the state agencies, including the Supreme Court of Minnesota, to timely approve a legislative plan or to adopt one of their own. In weighing the issue of timeliness, we were aware of the Supreme Court's direction in Scott v. Germano, 381 U.S. at 409, that while the district court should defer to the state agencies, it should nevertheless "enter an order fixing a reasonable time within which the appropriate agencies of the State of Illinois, including its Supreme Court, may validly redistrict the Illinois State Senate; provided that the same be accomplished within ample time to permit such plan to be utilized in the 1966 election . . . ." The Supreme Court instructed the federal district court to "retain jurisdiction of the case and in the event a valid reapportionment plan for the State Senate is not timely adopted it may enter such orders as it deems appropriate, including an order for a valid reapportionment plan for the State Senate . . . ." Id. In view of this direction, we reasoned in our August 21, 1991, order that it would be inappropriate to set a date by which the state agencies should act because the legislative process will not be completed until January 20, 1992. All parties agreed that a redistricting plan should be implemented in early February and in any event no later than March 1, 1992. On that basis, we unanimously agreed that it would be improper for us to abstain by reason of the pending state court proceeding. In view of the alleged voting rights allegations

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or by a two-thirds majority of each house depending on whether the governor approves or disapproves of the legislation enacted.

contained in the federal pleadings and not involved in the state pleadings, the concession that Chapter 246 is unconstitutional, and the unique time constraints involved, this court indicated it would be prepared to immediately adopt a valid court plan in the event that the legislative process fails to implement a plan by January 20, 1992.

The state court's action of November 21, 1991, apparently was intended to obviate delay in implementing the state court's plan in the event that the legislature does not pass a duly constitutional plan. This action by the state court was no doubt in response to the concern we expressed in our August order that the state processes would take too long. The problem with this premature action, however, is that any final judgment of the state court can only be advisory because it is contingent upon the failure of the state legislative process to implement a plan in late January, 1992. As such, the state court order lacks ripeness for its proposed appellate review. The order directly interferes with this court's orders of August 21, 1991, and October 5, 1991, requiring utmost deference to the state legislative process under fundamental principles of the United States Constitution as applied through the decisions of the Supreme Court of the United States. See Reynolds v. Sims, 377 U.S. 533, 586 (1964). In light of this court's orders deferring review until the legislative process has run its course in late January of 1992, and its retention of jurisdiction on issues of federal law, the adoption of a plan at this time by the state court does not provide "certainty" that a plan will be "in place" but rather serves to create confusion and concern over its premature finality.

We view the action of the state panel as being in direct violation of federal law and interfering with the continuing jurisdiction of this court. On this basis, with great reluctance,

deference, and concern, we now issue an order necessary in aid Of our jurisdiction enjoining further issuance of the state court plan and staying the effective date thereof until further order of this court.

We are fully cognizant of the heavy responsibility we face in our decision to issue this order. We have determined that the State of Minnesota, its people, the legislature, and the Governor, must be protected from confusing and possible conflicting orders of a state and federal court. We deem it highly improvident that the state court has proposed a plan of its own before the legislature has had a full and complete opportunity to act. Such a plan, if allowed to stand, clearly contains an intimidating message to the legislature and the Governor. There can be no disagreement that the legislative process should be allowed to proceed, unrestricted and free from judicial influence. The integrity of the legislative process must be protected. A court adopted plan issued before the legislature acts inhibits the legislative process.

If, as in Germano, a legislative plan or a state judicial plan could be timely reviewed by the State Supreme Court and be in place in early February, we would have gladly stayed our hand and deferred to the state agencies implementing such a plan. But it was clear in August, and it is clear today that no such legislative plan can be timely reviewed by the state judicial system to be in place by early February. Therefore, to allow the state courts to act before the legislature convenes places our review procedure in jeopardy and casts uncertainty on the validity of any plan. For these reasons we deem our action necessary. We make clear in issuing this order that we do not approve or disapprove of any plan.

In exercising ancillary jurisdiction to issue a writ "necessary or appropriate in aid of" that jurisdiction, it is not necessary that a

final judgment be reached by a federal district court to preserve its jurisdiction or authority over "an ongoing matter [in order to] justify an injunction against actions in the state court." In re Baldwin-United Corp., 770 F.2d 328, 335 (2nd Cir. 1985). The Supreme Court has observed that a federal court may issue an injunctive order under the All-Writs Act "to prevent a state court from so interfering with a federal court's consideration or disposition of a case as to seriously impair the federal court's flexibility and authority to decide that case." Atlantic Coast Line R.R. v. Brotherhood of Locomotive Engrs, 398 U.S. 281, 295 (1970).

Principles of federalism require issuance of this unusual order to protect the exercise of this court's jurisdiction and previous orders requiring deference to the state legislative process and postponing review until the results of such process may be considered in late January, 1992. Assuming the Minnesota courts would allow the state court's advisory order approving a court plan to become final, several issues could arise affecting this court's jurisdiction. If a legislative plan is enacted in January, 1992, but on review by this court is held to be constitutionally invalid, there would exist uncertainty as to the legal effect of the state court plan. The same jurisdictional concerns would exist in the event the legislature fails to enact a plan. If on appeal to the Minnesota Supreme Court, the proposed advisory state court plan is approved before the legislature acted in January, 1992, questions regarding the finality of that judgment would arise under 28 U.S.C. § 1738. Issues would then arise as to whether this court could exercise its jurisdiction to approve an alternative plan, amend the legislative plan, or approve a separate court plan. With the necessity of having a final constitutional plan in place in early February, 1992, additional litigation over jurisdiction regarding which plan should be adopted would simply add to the confusion and uncertainty of

the competing judgments. If no legislative plan is forthcoming, in view of the federal concerns, this court will in timely fashion assume its responsibility to protect under the Constitution of the United States the rights and interests of all parties concerned. The issues before us are not state law questions; they are federal questions involving federal law.

Our action today does not in any way disagree with the principle of encouraging state courts to assume jurisdiction in redistricting cases where there exists ample time for the state judicial machinery to review a legislative plan. We abhor the duplicity of action that has been undertaken in the last several months. Ordinarily this court would defer to an ongoing state court proceeding. Ordinarily comity and deference to state courts would require us to do so. This especially would be true if no voting rights violations were alleged in the federal court, or if there existed ambiguities in state law. When time constraints are involved as here, however, and the federal court determines that state judicial processes will involve undue delay, federal courts are instructed to retain jurisdiction and to act accordingly. See Scott v. Germano, 381 U.S. 407 (1965). Federal abstention is especially inappropriate when the challenge is made at the eleventh hour. We retain jurisdiction of the subject matter and request the parties to appear on January 27, 1992, at 9:00 a.m. for further consideration of all issues before this court.

IT IS THEREFORE ORDERED

Pursuant to the All-Writs Act, 28 U.S.C. § 1651 and as authorized by the second enumerated exception to 28 U.S.C. § 2283, necessary in aid of this court's jurisdiction, we hereby enjoin all proceedings in Cotlow v. Growe, No. C8-9-985, pending before the State of Minnesota Special Redistricting Panel. In this

regard, all previous orders of the above Special Redistricting Panel and any future orders that panel may issue relating to the adoption of any state redistricting plan or Congressional redistricting plan are hereby stayed until further order of this court. All of the parties involved in the state Proceedings are either parties or intervenors in the consolidated cases pending before this court. Each of the parties and their council in the federal proceeding are hereby enjoined from attempting to enforce or implement any order of the above Minnesota Special Redistricting Panel which has proposed adoption of a reapportionment plan relating to state redistricting or Congressional redistricting until further order of this court. The parties so enjoined are as follows:

James Emison, Judy Fairbanks, Marie Iverson, Ken Dean, Steve Castillo, Lew Freeman, and Yao Lo, individually and on behalf of all Citizens and Voters of the State of Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein, and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated,

Intervening Plaintiffs,

and

Joan Growe, Secretary of State of the State of Minnesota; Mark Lundgren, Carver County Auditor, individually and on behalf of all County Auditors

of the State of Minnesota,

Defendants,

and

The Seventy-seventh Minnesota State House of Representatives; and the Seventy-seventh Minnesota State Senate,

Defendant Intervenors,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant Intervenor.

Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock, and Frank Ringsmuth,

Plaintiffs.

Each party, through their respective counsel, shall be given notice forthwith of this court's order. A copy of this court's order shall be served on the Minnesota Special Redistricting Panel by serving the Clerk of the Appellate Courts, Minnesota Judicial Center. Notice of this order shall also be served upon the Governor of the State of Minnesota, Arnold Carlson, and Hubert Humphrey III, Attorney General of the State of Minnesota.

LET JUDGMENT BE ENTERED ACCORDINGLY.

MacLaughlin, J., dissenting.

I do not agree that the state court should be enjoined from proceeding with its plan of reapportionment. I see no reason why that court is not fully able to consider and decide the reapportionment issues presented to it.

In addition, the November 21, 1991 order issued by the state court seems completely appropriate both as to the law and as to the reapportionment plan it proposes.[1] Clearly Chapter 246 represents state policy which, in my judgment, must be the cornerstone of any new reapportionment plan. The amendments made to Chapter 246 by the state court, subject to comment by the parties and review by that court after its proposed hearing on December 3, 1991, are an attempt by the state court to follow the state policy provided in Chapter 246.[2]

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[1] In a letter to the state court panel dated October 15, 1991, Mr. William J. Davis, Chair of the Political Action Committee for Minneapolis and the Minnesota/Dakotas State Conference of the National Association for the Advancement of Colored People states:

> NAACP representatives from every branch in Minnesota were in attendance [at the NAACP Annual Statewide meeting]. After a thorough review the group voted unanimously to endorse the Legislature's Plan [the plan of the defendant intervenor herein].
>
> It is our belief and feeling that this plan provides the greatest opportunity for "People of Color" to be elected during the upcoming decade. Furthermore, we realize that we will be "locked out or locked in" for the balance of the century. We urge the court to adopt the legislative redistricting plan proposed by the Legislature.

This opinion of the NAACP regarding the defendant intervenor's plan seems to me to be significant and compelling.

[2] Perhaps it would have been wiser for the state court to delay the adoption of any final plan until the state has acted, that is no later than January 17, 1992, as represented to us by the Legislature. In my judgment, assuming speedy action by the Minnesota Supreme Court which I believe would be forthcoming, sufficient

Further, and overriding any other considerations, it seems clear to me that this Court has no legal authority to issue the injunction. The Anti-Injunction Act provides that

> 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.

The Act establishes a general prohibition against federal interference with state court jurisdiction, allowing a federal court to enjoin a state court only if one of the three statutory exceptions applies. Because the statutory prohibition against federal injunctions of state court proceedings "rests on the fundamental constitutional independence of the States and their courts, the exceptions should not be enlarged by loose statutory construction." Atlantic Coast Line Railroad Co. v. Brotherhood of Locomotive Engineers, 398 U.S. 281, 287 (1970).

Thus, the United States Supreme Court has held that "[p]roceedings in state courts should normally be allowed to continue unimpaired by intervention of the lower federal courts, with relief from error, if any, through the state appellate court and ultimately this Court." Id. Any doubts regarding the propriety of a federal injunction must be resolved in favor of permitting the state courts to resolve the issues before them. Id. at 297. The majority believes that its injunction is necessary to protect this court's jurisdiction and its orders of August 21 and October 5, and that the injunction therefore falls within the exceptions to the Anti-

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time would still have been available for an appropriate appeal of the state court's plan.

Injunction Act. I cannot agree, however, that the injunction is permissible under the Act.

An injunction is "necessary in aid of jurisdiction" if it is required to prevent a state court from seriously impairing the federal court's authority to decide a case before it. Where a state court and a federal court have concurrent jurisdiction, neither court is free to prevent parties from simultaneously pursuing claims in both courts, and a state court's assumption of jurisdiction does not hinder the federal court's jurisdiction so as to make an injunction necessary to aid that jurisdiction. Id. at 295-96. Both this court and the state court have jurisdiction over the redistricting claims; both courts are thus free to consider and decide the issue, and the state court order in no way interferes with this court's authority to review the constitutionality of the legislature's redistricting plan in accordance with its previous orders.

Nor is injunctive relief warranted to effectuate this Court's August 21st and October 5th orders. The exception allowing a federal court to enjoin a state court when necessary to "protect or effectuate its judgments" was intended to prevent state court relitigation of issues that had already been ruled upon in federal court. Chick Kam Choo v. Exxon Corp., 108 S.Ct. 1684, 1690 (1988). Thus, "an essential prerequisite for applying the relitigation exception is that the claims or issues which the federal injunction insulates from litigation in state proceedings actually have been decided by the federal court." Id. This court has yet to decide the redistricting issues before it, and therefore lacks authority under the Anti-Injunction Act to preclude the state court from ruling on those issues. The Anti-Injunction Act narrowly circumscribes the circumstances in which federal courts may

interfere with state court proceedings.[3] In my opinion, this case does not fall within the strictures of the Act.

This injunction is issued without any advance notice to any of the parties or to the state court, without any hearing, and without the benefit of briefs or oral argument. Further, I believe there is no legal justification for the injunction. Therefore, I respectfully dissent.

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[3] While not directly applicable here (because the state court has not interfered with federal rights or preempted federal law), the Supreme Court has issued this warning, "... a federal court does not have inherent power to ignore the limitations of § 2283 and to enjoin state court proceedings merely because those proceedings interfere with a protected federal right or invade an area preempted by federal law, even when the interference is unmistakably clear." Atlantic Coast Line Railroad, 398 U.S. at 294.