

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted October 4, 2023*

Decided October 5, 2023

Before

DIANE S. SYKES, *Chief Judge*

DIANE P. WOOD, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 22-2184

KIMBERLY HOWELL,
Plaintiff-Appellant,

v.

MANITOWOC COUNTY HUMAN
SERVICES, et al.,
Defendants-Appellees.

Appeal from the
United States District Court for the
Eastern District of Wisconsin.

No. 21-CV-1069-JPS

J.P. Stadtmueller,
Judge.

ORDER

Kimberly Howell appeals the dismissal of her suit against various local government employees whom she accuses of violating her constitutional rights by terminating her guardianship over her grandchildren without due process. The district judge dismissed the action without prejudice. We affirm.

* We have agreed to decide this case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. *See* FED. R. APP. P. 34(a)(2).

In a wide-ranging civil-rights complaint, *see* 42 U.S.C. § 1983, Howell alleged that City of Manitowoc and Manitowoc County employees unlawfully participated in actions that resulted in the termination of her guardianship and removal of her grandchildren from her custody. The details are not clear, but she alleged that two of her disabled grandchildren were unconstitutionally removed from school and interviewed by a social worker and police officer; that while she was away from her home, these same two individuals interviewed one of her granddaughters and eventually removed all of her grandchildren from her home; that these actions were conducted in exchange for federal funds and kickbacks; that criminal charges were trumped up against her; that her due-process rights were violated during state guardianship and Child in Need of Protection and/or Services proceedings; and that a state-court judge ordered her to undergo a mental-health assessment in her criminal case in retaliation for recusal motions she filed against the judge. Howell sought the return of her grandchildren and millions of dollars in punitive damages.

The judge granted the defendants' motion to dismiss the case. *See* FED. R. CIV. P. 12(b)(1), (6). To the extent Howell's state-court proceedings were ongoing, the judge explained that her suit would be barred under the *Younger* abstention doctrine because federal courts may not intervene in ongoing state criminal cases or state child-welfare or child-custody proceedings. *See Younger v. Harris*, 401 U.S. 37 (1971); *Milchtein v. Chisholm*, 880 F.3d 895, 898–99 (7th Cir. 2018). And to the extent the state-court proceedings were closed, the judge added, Howell's suit was barred under the *Rooker-Feldman* doctrine because she was seeking redress for injuries caused by orders entered in the state court. *See Rooker v. Fidelity Tr. Co.*, 263 U.S. 413 (1923); *Dist. of Colum. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

On appeal Howell asserts that her state-court proceedings have closed, and she asks us to reverse the state court's decision regarding her guardianship. But as the judge rightly pointed out, if her state-court proceedings have ended, her claims are barred by the *Rooker-Feldman* doctrine. That doctrine prohibits "cases brought by state-court losers complaining of injuries caused by state-court judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). Suits based on the injuries caused by state-court judgments, such as those Howell alleged, are exactly what the *Rooker-Feldman* doctrine prohibits. *Id.* Howell tries to avoid the *Rooker-Feldman* bar by asserting fraud in the guardianship proceedings, but there is no general fraud exception to *Rooker-Feldman*. *See Mains v. Citibank, N.A.*, 852 F.3d 669, 676 (7th Cir. 2017). Further, a court could not award the relief she seeks without invalidating the state-court judgments—

something only a Wisconsin appellate court or the Supreme Court of the United States could do. *Exxon Mobil Corp.*, 544 U.S. at 284.

AFFIRMED