NONPRECEDENTIAL DISPOSITION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 November 2, 2023*
Decided November 13, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-2651

JOHN SEELY,
Plaintiff-Appellant,

v.

JAMES SEELY, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northen District of Indiana, Fort Wayne Division.

No. 1:22-CV-103-HAB

Holly A. Brady,
Chief Judge.

O R D E R

John Seely appeals the dismissal of his complaint, which sought to reinstate an unsuccessful case in state court. Because the district court properly determined that the *Rooker-Feldman* doctrine bars Seely's suit, we affirm.

* We have agreed to decide the 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. FED. R. APP. P. 34(a)(2)(C).

In 2015, the will of Seely's father was conclusively probated in Allen County, Indiana. Two years later, Seely petitioned the probate court to allow him to file a document, but the judge denied the petition because nothing was pending. Seely sought further relief there, which the state judge denied. Seely then unsuccessfully appealed.

Dissatisfied, Seely turned to federal district court. He alleged that, in denying his requests for relief, the state judge and the clerk for the Court of Appeals of Indiana violated his First and Fourteenth Amendment rights. *See* 42 U.S.C. § 1983. Seely asked the federal court to reinstate his appeal in Indiana state court, order the state appellate court to grant him relief, require a state appellate judge to recuse himself, and award him damages arising from the courts' adverse decisions.

The district court dismissed the case for lack of jurisdiction. It explained that under the *Rooker-Feldman* doctrine, *see Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 (1983), it had no power to overturn incorrect state-court decisions. Seely responded by arguing that the state judge was merely a magistrate judge who lacked jurisdiction over the case, making the state-court case a nullity, in his view, under state law. But the district court reiterated that it lacked jurisdiction to review the validity of state-court judgments.

On appeal, Seely maintains that *Rooker-Feldman* does not bar his claims. We review the district court's dismissal de novo. *Andrade v. City of Hammond*, 9 F.4th 947, 949 (7th Cir. 2021). The district court rightly dismissed this suit for lack of jurisdiction. In his complaint, Seely has asked a federal district court to reinstate his case in state court and then order the state court to grant him the relief that it had denied him. But *Rooker-Feldman* holds that district courts lack jurisdiction to entertain suits from dissatisfied state-court litigants seeking to overturn state-court decisions. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291–92 (2005).

Seely offers three unavailing responses. First, he contends that the district court had jurisdiction because his complaint alleges constitutional questions. But *Rooker-Feldman* blocks jurisdiction over suits attempting to overturn state-court decisions even when they are based on constitutional claims. *Johnson v. Orr*, 551 F.3d 564, 570 (7th Cir. 2008). Second, Seely argues that a litigant to the probate case fraudulently induced the state court into rendering adverse decisions, and that fraud, he believes, overcomes the bar of *Rooker-Feldman*. But a fraud that induces a state judge to decide a case adversely does not endow a district court with the power to overturn that decision. *See Iqbal v. Patel*, 780 F.3d 728, 730 (7th Cir. 2015). We recognize that Seely also seeks damages from that alleged fraud, and we have sometimes questioned whether *Rooker-Feldman* applies

if a plaintiff seeks only damages "for injuries caused not by state court corruption but by the fraudulent conduct of state court opponents." *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 406 (7th Cir. 2023). But, in the district court, Seely focused exclusively on the state court's alleged wrongdoing. No allegations in his complaint nor any arguments in his briefing below alluded to fraud caused by any state court opponent. Because litigants cannot raise arguments for the first time on appeal, this contention is waived. *See Fednav Int'l Ltd. v. Cont'l Ins. Co.*, 624 F.3d 834, 841 (7th Cir. 2010) (holding that a party waived appellate arguments because "[a] liberal reading of [its] complaint and argument in the district court yield[ed] no signs of" the arguments presented on appeal). Finally, Seely argues that *Rooker-Feldman* does not apply because he did not appeal his state case to the Indiana Supreme Court. But *Rooker-Feldman* applies even if a litigant has forgone the opportunity to appeal to every level of the state judiciary. *See, e.g.*, *Jakupovic v. Curran*, 850 F.3d 898, 901 (7th Cir. 2017).

AFFIRMED