NONPRECEDENTIAL DISPOSITION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 May 19, 2023*
Decided July 28, 2023

Before

DIANE P. WOOD, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-3081

NATHAN J. HUIRAS,
Plaintiff-Appellant,

v.

KRISTIN CAFFERTY, et al.,
Defendants-Appellees.

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

No. 22-cv-575-pp

Pamela Pepper,
Chief Judge.

O R D E R

When Nathan Huiras's wife filed for divorce, a state court awarded her custody of their children, ordered Huiras to pay child support, and temporarily denied him visitation rights. As those proceedings continued in state court, Huiras turned to federal district court, seeking to enjoin the state case under 42 U.S.C. § 1983. He alleged that, in

* 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).

order to obtain federal grant money, the participants in the state case conspired to deny him due process. The district court correctly abstained from hearing Huiras's federal challenge, relying on *Younger v. Harris*, 401 U.S. 37 (1971), and our decision in *J.B. v. Woodard*, 997 F.3d 714 (7th Cir. 2021); we therefore affirm.

At this stage, we accept as true the allegations in Huiras's final, operative complaint. See *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015). Huiras's wife Nicole petitioned for divorce in the Circuit Court for Racine County, Wisconsin, launching proceedings that, Huiras contends, unfairly denied him time with his children. First, Nicole obtained custody of the children by falsely calling him mentally ill. Then the children's guardian *ad litem* lied about Huiras's mental health in a motion temporarily to suspend his visitation rights. The presiding judge granted the motion after a hearing that Huiras alleges was one-sided. The judge admitted the guardian's testimony that Huiras had spat on the guardian's lawn and a court-appointed counselor's testimony criticizing Huiras's behavior during a video call with his children, but she excluded the recording itself and a report about his mental health and parenting skills. After the court ordered Huiras to pay child support and a county employee garnished his paycheck, Huiras requested records from the County. The County's response revealed what he considers the financial motivation for these adverse rulings: a contract showing "millions of dollars' worth of awards that Racine County receives for enforcing child support." The complaint does not say who pays those "awards," but Huiras asserts now that the federal government offers grants for enforcing child-support orders.

Huiras turned to federal district court, in which he sued Nicole's attorney, the guardian, the state judge, the counselor, and the county employee who garnished his wages, asserting that a "scheme" to maximize federal grant money denied him his right to due process and familial association. Among other things, he asked the court to enjoin the defendants from taking any action in the state proceedings. In granting the defendants' motion to dismiss, the court first ruled that the case met the requirements for abstention under *Younger*. The court also relied on *Woodard*, which upheld the abstention-based dismissal of a similar custody dispute. 997 F.3d at 718-19, 721–22. *Woodard* held that the "equity, comity, and federalism principles" of abstention required dismissal of a federal case seeking "to influence" state custody procedures. *Id.* at 721–23. Abstaining was necessary to avert federal disruption of a family-law process "traditionally reserved for state and local government." *Id*. at 723. The district court reasoned that the same rationale applied to Huiras's lawsuit.

On appeal, Huiras offers several arguments for why the district court was wrong to abstain and dismiss. (Because Huiras tells us that the litigation in state court continues and Huiras attacks conduct independent of any state-court judgment, the parties appropriately do not consider the *Rooker-Feldman* doctrine. See *Skinner v. Switzer*, 562 U.S. 521, 531–32 (2011) (citing *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923), and *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983)).) We review the decision to abstain *de novo*. See *Mulholland v. Marion Cnty. Election Bd.*, 746 F.3d 811, 816 (7th Cir. 2014).

Huiras first attacks the district court's application of *Woodard*. He contends that a caveat in that opinion—that federal courts should not abstain if the state courts are "proven unwilling" to address federal constitutional claims—applies here. 997 F.3d at 725. We do not see it that way. Unless Huiras produces evidence to the contrary, we must assume that the Wisconsin courts are "fully capable of respecting and adjudicating claims regarding [Huiras's] fundamental right to familial association." *Id.* at 724. Huiras does not even allege that he raised in the Racine County court his claim that the federal grant program interferes with his right to due process and familial association, let alone that the court refused to decide that claim. On appeal he states only that he argued (unsuccessfully) in state court that Wisconsin law (not due process or another federal right) required the state judge to restore his parenting and visitation rights. Huiras's apparent decision not to raise his federal theory in the Wisconsin court does not mean that the court is "unwilling" to address it. See *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15, 17 (1987) (state courts not closed to federal claim just because party never litigated it before them).

Huiras offers two replies, but neither is persuasive. First, he contends that we can infer from the Wisconsin court's adverse rulings that it was "unwilling" fairly to address his federal claim. But adverse rulings alone almost never show bias, *Liteky v. United States*, 510 U.S. 540, 555 (1994), and we see no reason why the rulings here would do so. Second, Huiras worries that he cannot trust Wisconsin's judiciary to evaluate in good faith his claim about the federal grant program because (in his view) that program creates an incentive for Racine County officials to pursue bogus child-support orders. But his unsupported worry of bad faith in the state's judiciary impermissibly "reflect[s] a lack of respect for the state's ability to resolve" his claim, and thus our adjudication of his claim on the merits would contradict our longstanding reluctance to meddle in state-court proceedings. *SKS & Assocs., Inc. v. Dart*, 619 F.3d 674, 679 (7th Cir. 2010).

Finally, Huiras argues that *Younger* abstention, which was a separate ground for the district court's decision, does not apply here. Relying on the principle that *Younger*

abstention requires that the state proceeding be "judicial," see *FreeEats.com, Inc. v. Indiana*, 502 F.3d 590, 596 (7th Cir. 2007), Huiras contends that the divorce proceedings are not judicial, the state judge was merely an "Article I adjudicator," and the Racine County court is only "administrative." These are legal conclusions that we need not accept as true, *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and the record contradicts them. Huiras's own filings in the district court show that the state adjudicator is a "judge," the tribunal is the "Racine County Circuit Court," and thus the proceedings are judicial.

We have reviewed Huiras's remaining arguments, and none merits discussion, but we close with a slight modification to the district court's judgment. The district court dismissed the case "with prejudice" for lack of jurisdiction. Dismissal on abstention grounds is "without prejudice to the plaintiff's right to raise the same contentions in a state tribunal." *Moses v. Kenosha County*, 826 F.2d 708, 710 (7th Cir. 1987). And when a court abstains, it declines to decide a case otherwise within its jurisdiction. See *Woodard*, 997 F.3d at 722–23. We therefore MODIFY the judgment to reflect that the case was dismissed without prejudice. As so modified, we AFFIRM.