

NONPRECEDENTIAL DISPOSITION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 April 4, 2024*

Decided April 5, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 23-1512

SCOTT JENKINS,
Plaintiff-Appellant,

v.

FAYETTE COUNTY CIRCUIT COURT,
Defendant-Appellee.

Appeal from the United States District
Court for the Southern District of Illinois.

No. 3:21-CV-00434-MAB

Mark A. Beatty,
Magistrate Judge.

ORDER

Scott Jenkins appeals the dismissal of his complaint against the Fayette County Circuit Court in Illinois for alleged record tampering. The district court determined that Jenkins failed to state a claim for which relief could be granted. We affirm the dismissal

* 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).

of Jenkins's suit but conclude that the proper basis is the absence of federal subject-matter jurisdiction.

Jenkins sued several entities in the Fayette County Circuit Court to settle a property dispute. After several years of litigation, Jenkins appealed the dismissal of his state-court complaint. During the appeal, Jenkins noticed discrepancies between two records that were transmitted to the state appellate court.

Believing the inconsistencies to be evidence of something pernicious, Jenkins brought this suit in federal court, complaining of record tampering. *See* 720 ILCS 5/32-8. (He believed that he could not bring this claim in state court because the state trial court handling the property dispute litigation barred him from further filings in that case.) The district court dismissed his suit and rejected his attempt to amend the complaint. It concluded that the circuit court itself was not a suable entity. Moreover, Jenkins's attempt to amend his complaint to name additional defendants (his state-court lawyer and the lawyer's firm) and to add additional claims (that his lawyer engaged in malpractice and conspired in the alleged record tampering) would not cure his failure to state a claim. The district court also denied Jenkins's request, raised in a motion to alter or amend the judgment, to substitute the Fayette County Circuit Court Clerk as the proper defendant. Jenkins then took this appeal.

As a threshold matter, we must first evaluate whether federal jurisdiction exists. Even though no party has raised the issue, we must police our own jurisdiction and cannot resolve cases without it. *Hay v. Ind. State Bd. of Tax Comm'rs*, 312 F.3d 876, 879 (7th Cir. 2002) (citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577, 583 (1999)). The only claim that Jenkins raises in his complaint is one concerning record tampering that he asserts is prohibited by Illinois law. Although he briefly mentions having a right of access to the courts, we understand him to suggest that detail only to explain why he did not perceive the state court to be an available forum, not as an independent claim for which he seeks relief. But Jenkins's view that the state court is unwilling to entertain his claim does not confer federal jurisdiction because federal courts have limited jurisdiction, defined by federal statute. *Boim v. Am. Muslims for Palestine*, 9 F.4th 545, 550–51 (7th Cir. 2021). His arguments on appeal, including that the district court should have allowed him to add the court clerk as a defendant, would not cure this jurisdictional defect because the claim does not arise under federal law. *See* 28 U.S.C. § 1331. Jenkins has not identified any other basis for jurisdiction, and none is obvious.

We end by making a slight modification to the district court's judgment, which dismissed the case with prejudice. Dismissals on jurisdictional grounds are without

prejudice to allow a plaintiff to raise the claims in the proper tribunal. *Flynn v. FCA US LLC*, 39 F.4th 946, 954 (7th Cir. 2022). We therefore MODIFY the judgment to reflect a dismissal without prejudice. As so modified, the judgment is AFFIRMED.