NONPRECEDENTIAL DISPOSITION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 December 21, 2022*
Decided December 22, 2022

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 21-2896

DAVID R. JOHNSON,
Plaintiff-Appellant,

v.

STATE OF ILLINOIS,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 1:20-cv-05862

Franklin U. Valderrama,
Judge.

O R D E R

David Johnson appeals the dismissal of his civil-rights suit in which he alleged due-process violations in various state proceedings related to an allegedly wrongful traffic stop. The district court dismissed the case with prejudice, determining that the state was immune under the Eleventh Amendment and that the court lacked

* 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).

jurisdiction under the *Rooker-Feldman* doctrine to disturb state-court judgments. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). We affirm the judgment, though we modify it to reflect that the claim barred by *Rooker-Feldman* must be dismissed without prejudice.

We draw the following facts from Johnson's complaint, which includes attachments from underlying state proceedings. *See* FED. R. CIV. P. 10(c); *Barwin v. Vill. of Oak Park*, 54 F.4th 443, 453 (7th Cir. 2022). In 2010, Johnson filed two complaints in the Illinois Court of Claims. In the first, he sued state and local officials for damages related to an allegedly wrongful traffic stop in which he was arrested and had his driver's license summarily suspended. When the officials did not timely answer, Johnson moved for a default judgment. Soon after, Johnson filed his second Court of Claims complaint, this time against the State of Illinois, seeking a default judgment as a sanction for the officials' failure in the prior proceeding to answer his complaint. The Court of Claims dismissed both complaints for failure to state a claim.

Johnson then sought review of the dismissal orders by petitioning an Illinois trial court for a common-law writ of certiorari. He alleged that the Court of Claims was biased against him and had improperly denied him a default judgment based on the officials' untimely answer. The state trial court dismissed his petitions for failure to state a claim. The state appellate court upheld the dismissal of the petitions and, as relevant here, concluded that Johnson did not sufficiently allege a due-process claim to challenge the adequacy of the Court of Claims proceedings. Johnson's subsequent petition for leave to appeal to the Illinois Supreme Court was denied. *See Johnson v. Ill. Ct. of Claims*, 108 N.E.3d 874 (Ill. 2018).

Johnson then turned to federal court and sued the State of Illinois for damages resulting from (1) due-process violations in the Court of Claims proceedings, (2) due-process violations in the state-court proceedings, and (3) the dismissal of his wrongful-traffic-stop claim in the Court of Claims. *See* 42 U.S.C. §§ 1983, 1985, 1986.

The district court dismissed the case with prejudice. The court determined that the Eleventh Amendment barred Johnson's claims, and that no exception allowing suits against a state was present here. In the alternative, the court concluded that it lacked subject-matter jurisdiction under the *Rooker-Feldman* doctrine because Johnson's claims arose from state cases in which state courts had rendered a final judgment.

On appeal, Johnson does not engage the district court's *Rooker-Feldman* analysis and instead continues to challenge the manner in which the Court of Claims and the state courts addressed his claims.

We begin with the threshold matter of jurisdiction. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005). Under the *Rooker-Feldman* doctrine, the lower federal courts may not adjudicate cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced." *Id.* at 284; *see Bauer v. Koester*, 951 F.3d 863, 866 (7th Cir. 2020). To the extent Johnson raises a due-process challenge to the Court of Claims proceedings, this claim is barred by *Rooker-Feldman* because he would have us review issues already decided by the state courts.

But *Rooker-Feldman* does not bar federal courts from reviewing Johnson's due-process claim with regard to the Illinois circuit court, appellate court, and Supreme Court proceedings. Johnson does more than generally challenge the state-court decisions; he asserts that the process by which the state courts reached their decisions was tainted because the state court conspired against him with other government actors. With this claim, Johnson seeks redress for an injury independent of the one caused (allegedly) by the state-court determination on his grievances with the Court of Claims, and thus the claim is not barred by *Rooker-Feldman*. *See Nesses v. Shepard*, 68 F.3d 1003, 1005 (7th Cir. 1995) (*Rooker-Feldman* doctrine does not bar plaintiff's claim "that people involved in the [state-court] decision violated some independent right of his, such as the right (if it is a right) to be judged by a tribunal that is uncontaminated by politics"); *see also Johnson v. Orr*, 551 F.3d 564, 570 (7th Cir. 2008).

To the extent Johnson challenges the merits determination of the Court of Claims, *Rooker-Feldman* does not apply because that tribunal is a legislative rather than adjudicative body of the state. *See* 705 ILCS 505/8(a); *People v. Philip Morris, Inc.*, 759 N.E.2d 906, 912 (Ill. 2001); *Gilbert v. Ill. State Bd. of Educ.*, 591 F.3d 896, 900 (7th Cir. 2010). Although the state trial court acts as a court of review with respect to certiorari actions alleging due-process violations, the Illinois Court of Claims Act provides no method of review over the merits of Court of Claims decisions. *Reichert v. Ct. of Claims*, 786 N.E.2d 174, 177 (Ill. 2003).

The district court rightly dismissed these claims, though in doing so it need not have discussed the Eleventh Amendment. Those claims, which Johnson brought against the State, are not permitted under § 1983, § 1985, or § 1986 because a state is not a

"person" under those statutes. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989) (§ 1983); *Ennin v. CNH Indus. Am., LLC*, 878 F.3d 590, 597 (7th Cir. 2017) (§ 1985 and § 1986 claims are derivative of underlying claims). Courts should resolve § 1983 claims against states on statutory, not constitutional grounds. *Vt. Agency of Nat. Res. v. U.S. ex rel. Stevens*, 529 U.S. 765, 779 (2000); *Holton v. Ind. Horse Racing Comm'n*, 398 F.3d 928, 929 (7th Cir. 2005).

Lastly, a word about the disposition. Insofar as *Rooker-Feldman* deprived the district court of jurisdiction over Johnson's due-process challenge to the Court of Claims proceedings, that dismissal should be "without prejudice on the merits, which are open to review in state court to the extent the state's law of preclusion permits." *Frederiksen v. City of Lockport*, 384 F.3d 437, 438 (7th Cir. 2004); *see also Jakupovic v. Curran*, 850 F.3d 898, 904 (7th Cir. 2017). Johnson's remaining statutory claims were properly dismissed with prejudice.

We thus AFFIRM the judgment of the district court as modified.