NONPRECEDENTIAL DISPOSITION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 March 9, 2023*
Decided March 10, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 22-2252

RODNEY L. FALLS,
Plaintiff-Appellant,

v.

TINA M. PARIES,
Defendant-Appellee.

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

No. 1:21-cv-02490

Gary Feinerman,
Judge.

O R D E R

Rodney Falls appeals the imposition of sanctions against him under Federal Rule of Civil Procedure 11(c) for violating the requirement of good-faith pleading. The district court reasonably imposed the sanction, and we therefore affirm.

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* 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).

Falls sued a private attorney, Tina Paries, purportedly under 42 U.S.C. § 1983. He alleged that Paries violated his right of due process by preventing him from litigating pro se in state court as the successor in interest to his involuntarily dissolved company, Chiliad Partners. According to the amended federal complaint (which also named defendants, including a state-court judge, who are not relevant to the appeal), in the state case, Paries urged the judge not to let Falls litigate pro se and also filed—based on allegedly false allegations—an administrative complaint against him for the unauthorized practice of law.

Along with the other defendants, Paries moved to dismiss the federal complaint, which was assigned to Judge Feinerman, for failure to state a claim. She also moved for sanctions, asserting that Falls's amended complaint violated the requirements of Federal Rule of Civil Procedure 11(b) that representations to the court be based on reasonable inquiry, that pleadings not be presented for an improper purpose, and that any legal claims be warranted by existing law or by a nonfrivolous argument for expanding the law. Paries argued that Falls knew his claims against her lacked any legal foundation. In particular, she pointed out that Falls filed this lawsuit soon after the dismissal of a similar § 1983 lawsuit of his against another private attorney. *Falls v. Schuster*, No. 21-C-1502 (N.D. Ill. Mar. 22, 2021). In the *Schuster* case, Chief Judge Pallmeyer dismissed the complaint because, as relevant here, the attorney Falls sued was not a state actor for purposes of § 1983 and because the *Rooker-Feldman* doctrine deprived the court of subject matter jurisdiction over the entire lawsuit, which challenged the fairness of a state-court domestic-relations proceeding. *Id.*

In this case, Judge Feinerman granted all defendants' motions to dismiss the amended complaint. As to the § 1983 claim against Paries, he determined that Falls did not plausibly allege the infringement of any constitutional right nor that Paries, as a private attorney, could be treated as a state actor because of a conspiracy with the state-court judge. Falls received leave to amend his complaint again, but he never did, nor did he file a timely notice of appeal from the judgment that followed the dismissal.

Paries renewed her motion for Rule 11(c) sanctions, and the district court orally granted her motion after full briefing (though Falls did not attend the hearing). Noting that it was "treading carefully" because Falls was pro se, the court nevertheless concluded that Falls's persistence in his claim against Paries was both objectively and subjectively unreasonable. Paries's initial Rule 11 motion and the ruling in *Falls v. Schuster*—which the court said was dismissed "on the very same grounds" as the complaint in this case—put Falls on notice that he could not sue Paries under § 1983

unless he plausibly alleged some joint action or conspiracy with a state actor—beyond a judge granting the lawyer's motions. But, despite receiving this notice twice, Falls pressed a constitutional claim against Paries.

After the sanctions motion was granted, Falls did not oppose Paries's prove-up motion requesting fees in the amount of $22,350.00. Falls instead moved, unsuccessfully, to reconsider the decision to grant any sanctions. Because Falls never responded to the prove-up motion, the court concluded that any arguments against the amount were forfeited and that, in any event, Paries had reasonably incurred those fees in defending against Falls's "baseless claims."

Falls then appealed. Because the notice of appeal was timely only with respect to the post-judgment order entering sanctions in an amount certain, s*ee Bell v. Vacuforce, LLC*, 908 F.3d 1075, 1079 (7th Cir. 2018), we limited the scope of this appeal accordingly. *Falls v. Paries*, No. 22-2252 (7th Cir. Aug. 24, 2022).

Falls asserts that the district court based its sanctions ruling on two erroneous conclusions: that Falls did not allege a conspiracy between Paries and a state actor, and that his prior lawsuit was dismissed "on the very same grounds" as this case. We review the imposition of Rule 11 sanctions for an abuse of discretion. *Royce v. Michael R. Needle P.C.*, 950 F.3d 939, 957 (7th Cir. 2020).

The district court reasonably concluded that Falls violated his obligations to the court and Paries under Rule 11(b) when he pressed constitutional claims against her for her work on the state-court case involving Chiliad Partners. Falls takes issue with the court's statement that the alleged conspiracy rested on the "mere fact" that the state court judge agreed with an argument Paries made. He points to various other allegations in his complaint that, he thinks, show a plausible basis for believing that Paries and the judge conspired.

The court committed no error here. Fall's assertion of a conspiracy was frivolous, and the district court correctly sanctioned him for it because this precise issue had been explained to him. *Bell*, 908 F.3d at 1079–80. State and private actors form a conspiracy when they reach an understanding to violate a plaintiff's rights and willfully participate in joint activity, *Dix v. Edelman Fin. Servs., LLC*, 978 F.3d 507, 518 (7th Cir. 2020), but none of Falls's allegations suggests that Paries and the state judge worked in concert. *See Cooney v. Rossiter*, 583 F.3d 967, 971 (7th Cir. 2009). Presenting a legal claim that is

unwarranted under the law, as this one was, may incur a Rule 11(c) penalty. *Royce*, 950 F.3d at 957–58.

Falls also argues that the entry of sanctions rests on the faulty premise that his § 1983 claim in *Falls v. Schuster* had been dismissed "on the very same grounds" as his claim against Paries here. He asserts that Judge Pallmeyer dismissed *Schuster* for lack of jurisdiction, whereas Judge Feinerman dismissed this complaint on the merits, for failure to state a claim. But to the extent this distinction exists, it is immaterial to the Rule 11 issue here. Although Judge Pallmeyer ultimately dismissed *Schuster* for lack of subject matter jurisdiction, she nevertheless explained that § 1983 permits relief against non-state actors in limited circumstances that were not met by his "unsupported allegations of joint action or a conspiracy." This discussion and Paries's first motion for Rule 11(c) sanctions both put Falls on notice about what was required to bring a nonfrivolous § 1983 claim against a private attorney such as Paries. *Fabriko Acquisition Corp. v. Prokos*, 536 F.3d 605, 610 (7th Cir. 2008).

AFFIRMED