

NONPRECEDENTIAL DISPOSITION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 February 22, 2023*

Decided March 6, 2023

Before

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-2535

BRIAN ELONZO WARD,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of Indiana,
Indianapolis Division.

v.

No. 1:22-cv-00226-TWP-MG

STATE OF INDIANA, et al.,
Defendants-Appellees.

Tanya Walton Pratt,
Chief Judge.

ORDER

Brian Ward sued Indiana state officials and agencies after he lost a paternity case in Indiana court. Ward asserts that the defendants violated his federal rights during the state case, leading to an adverse award of child support. The district judge dismissed

* We have agreed to decide the case without oral argument because the briefs and the 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).

his suit with prejudice under the *Rooker-Feldman* doctrine, which deprives district courts of jurisdiction to review injuries caused by state-court judgments. The doctrine indeed required dismissal; we thus affirm but modify the judgment to be without prejudice—although we recognize there is very little practical difference.

Ward's allegations arise out of events starting in 2013, when state officials initiated a paternity case against him on behalf of the mother of a minor. At the time, Ward alleges, he was on active duty in the military and unaware of the case. He asserts that the officials wrongly told the state judge that he had been served and was not on active duty. The judge entered judgment against Ward for failure to appear and subpoenaed him to complete a test for paternity. Ward says that he found out about the paternity case when he received the subpoena. Ward also alleges that, separately, county officials defamed him to his military superiors throughout the proceedings.

Upon discovering the judgment for failure to appear, Ward moved to dismiss the paternity case. He argued that the state officials' actions violated his constitutional rights and the Servicemembers Civil Relief Act, 50 U.S.C. § 3901, which grants members of the military certain protections in civil cases, including empowering courts to stay cases against active-duty servicemembers. The state judge vacated the judgment for failure to appear but later entered judgment on the merits, ruling that Ward was the father of the child and had to pay weekly child support. After the entry of judgment, Ward moved to terminate the order for child support, repeating his arguments that the state officials violated federal law. The state court never ruled on his motion, and Ward never completed an appeal seeking relief in the state's appellate court.

Eight years later, Ward filed his current federal suit. He asserted that the defendants obtained the child-support order in state court without verifying his military status or serving him, thereby violating his due process rights, seeking relief under 42 U.S.C. § 1983 and the Civil Relief Act. Objecting to losses caused by the judgment, he sought to enjoin the wage garnishment and tax liens resulting from it and requested the return of money "solely from funds garnished, levied or confiscated bank accounts, retirement accounts, IRS tax refunds seized, attorney fees," and related sources. The judge granted the defendants' motion to dismiss the complaint on the pleadings, *see* FED. R. CIV. P. 12(c), for lack of jurisdiction under the *Rooker-Feldman* doctrine. She reasoned that Ward's claims either required the court to overturn the paternity judgment or were inextricably intertwined with it.

On appeal, Ward argues that *Rooker-Feldman* does not bar federal suits like his that allege state actors violated federal law in state court to obtain an adverse judgment.

He repeats that the defendants violated his due process rights and the Civil Relief Act by misstating his military status and that he had been served, leading to what he calls an erroneous child-support order. And he again requests that the order “be made void.” Ward also asserts—for the first time—that he appealed in state court but withdrew the appeal because the defendants threatened to hold him in contempt for appealing.

We review the dismissal de novo. *Kelley v. Med-1 Sols., LLC*, 548 F.3d 600, 603–04 (7th Cir. 2008). Under the *Rooker-Feldman* doctrine, only the Supreme Court may review state-court judgments. 28 U.S.C. § 1257; *Rooker v. Fidelity Trust. Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). The doctrine deprives federal district courts of jurisdiction to hear “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

The district judge correctly ruled that the *Rooker-Feldman* doctrine blocks Ward’s suit. He asks expressly that the federal court declare the state-court order is void. That request falls squarely within *Rooker* itself. Even if he modified his request for relief, Ward alleges injuries that arose from the state court’s judgment. Ward tells us that misstatements to the state judge—that he had been served with process and was not on active duty—harmed him by producing an incorrect, adverse judgment. But precisely because his alleged losses were caused by the state court’s allegedly erroneous judgment, the *Rooker-Feldman* doctrine blocks this case even if the misstatements violated federal law and even if (as he argues) they deprived the state court of jurisdiction. See *Kelley*, 548 F.3d at 605 (*Rooker-Feldman* deprives district court of jurisdiction to assess the legality of statements made to a state judge that resulted in an adverse judgment, because doing so requires the district court to review the state court’s judgment); accord, *Bauer v. Koester*, 951 F.3d 863, 866 (7th Cir. 2020) (*Rooker-Feldman* barred claims for alleged collusion to introduce false evidence in state court); *Swartz v. Heartland Equine Rescue*, 940 F.3d 387, 391 (7th Cir. 2019) (same).

We have considered three possible objections to this conclusion. First, some violations of federal law can cause a loss independent of a suit’s outcome, and litigation over such violations may not run afoul of *Rooker-Feldman*. For example, if a federal law limits litigation to a specific time or place, its violation “inflicts an injury measured by the costs of traveling or sending a lawyer” to the improper venue. *Harold v. Steel*, 773 F.3d 884, 886–87 (7th Cir. 2014). We may assume (without deciding) that the Civil Relief Act is such a law and that the defendants might have violated it by causing the

paternity suit to proceed sooner rather than later. But Ward does not allege that any of his losses reflect costs of defending the state case earlier than the Act might permit. Rather, Ward ties his alleged losses and requested relief to the *outcome* of the state case: he seeks expressly to “void” the garnishment and liens rooted in the judgment and wants damages resulting “solely” from those orders. Thus, his injury is not independent of the state judgment, and *Rooker-Feldman* blocks relief. *Id.*

Second, we are mindful that in his complaint Ward alleged that, separate from the state-court litigation, some defendants defamed him to his military superiors. But Ward does not revive (or elaborate on) this assertion in his appeal, instead focusing his attack only on the state-court judgment. Any argument that the district court has jurisdiction to hear his defamation allegations is waived. *Miller v. Chicago Transit Auth.*, 20 F.4th 1148, 1155 (7th Cir. 2021). And even if Ward had made such an argument on appeal, it would still fail. Because *Rooker-Feldman* blocks his federal claims, he would still need an independent jurisdictional basis for a state-law defamation claim, *see Rivera v. Allstate Ins. Co.*, 913 F.3d 603, 617–18 (7th Cir. 2018), and he offers none.

Third, Ward attempts to circumvent the *Rooker-Feldman* doctrine by arguing that defendants prevented him from appealing his adverse state-court judgment. Ward waived this argument by not raising it in the district court. *See Reed v. Brex, Inc.*, 8 F.4th 569, 578 (7th Cir. 2021). In any case, this argument would not save his claims. A federal plaintiff’s argument that *Rooker-Feldman* does not apply because of the lack of an opportunity to litigate in state court requires that the plaintiff point to an obstacle independent of the defendants’ actions. *Jakupovic v. Curran*, 850 F.3d 898, 904 (7th Cir. 2017). Ward does not identify any such obstacle.

We thus AFFIRM the dismissal, but because cases dismissed for lack of jurisdiction should be dismissed without prejudice, *Jakupovic*, 850 F.3d at 904, we MODIFY the dismissal to be without prejudice.