NONPRECEDENTIAL DISPOSITION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 May 25, 2023

Before

DIANE P. WOOD, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-3267

PETER GAKUBA,
Plaintiff-Appellant,

v.

BRENDAN A. MAHER, et al.,
Defendants-Appellees.

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

No. 22 C 50092

Martha M. Pacold,
Judge.

O R D E R

After Peter Gakuba kept moving for discovery and other relief in his long-concluded criminal case, an Illinois circuit court judge restricted him from future filings in the case. Gakuba brought this suit under 42 U.S.C. § 1983 against the circuit judge and two court clerks for allegedly depriving him of meaningful access to the courts. The

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide this 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).

district court dismissed the suit primarily based on the *Rooker-Feldman* doctrine. We affirm that ruling, and, because we find that this appeal was not brought in good faith, we revoke Gakuba's in forma pauperis filing status.

In 2015, Gakuba was convicted in Winnebago County of three counts of aggravated sexual abuse and sentenced to three consecutive four-year prison terms. His direct appeal and state postconviction petition were unsuccessful. He continued to file challenges to his conviction and sentence, and he also moved for records and discovery; those requests were denied. Gakuba was ultimately sanctioned for continuing to file documents in that case after being told that the proceedings had concluded: Judge Brendan Maher imposed a fine of up to $500 per additional filing and ordered the court clerk to return any filing to Gakuba immediately. As a result, Gakuba did not file a motion for leave to file a successive postconviction petition.

Gakuba, who was released from prison in 2021, then turned to federal court, suing Judge Maher and two court clerks. The district court dismissed both his original and amended complaints on several grounds, including for a lack of subject-matter jurisdiction under the *Rooker-Feldman* doctrine. The district court explained that Gakuba clearly sought redress for injuries caused by the state sanctions order, and that a federal district court cannot review state-court decisions. *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

We agree: Gakuba's lawsuit directly challenges Judge Maher's authority to enter (and the clerks' power to follow) the sanctions order, improperly "inviting district court review and rejection of" that decision. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). Further, as we have recently clarified, asserting that the state-court proceedings were tainted by corruption does not prevent application of the *Rooker-Feldman* doctrine. *See Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 402 (7th Cir. 2023). Gakuba asserts that his suit is permissible because the order implicates his ability to attack a criminal conviction. But this is a § 1983 case, not a habeas corpus action, and so the *Rooker-Feldman* doctrine applies. *See Sides v. City of Champaign,* 496 F.3d 820, 824 (7th Cir. 2007) ("[E]xcept to the extent authorized by § 2254, only the Supreme Court of the United States may set aside a judgment entered by a state court."). We therefore affirm the dismissal of the complaint for lack of jurisdiction.

Gakuba has used all the legitimate means of attacking his conviction and sentence. He had a direct appeal, *see People v. Gakuba*, 2017 IL App (2d) 150744-U, *leave to appeal denied,* 89 N.E.3d 758 (Ill. 2017), and state postconviction proceedings, *see* 2019 IL App (2d) 170794-U, *leave to appeal denied*, 119 N.E.3d 1043 (Ill.), *cert. denied,*

139 S. Ct. 2680 (2019). His federal collateral attacks were also unsuccessful. *See Gakuba v. Neese*, No. 17 C 50337, 2018 WL 10127255 (N.D. Ill. Oct. 24, 2018) (certificates of appealability denied in appeal Nos. 18-3398, 20-1137, 22-1982). Gakuba even turned to other jurisdictions to request leave to bring successive collateral attacks. *See, e.g.*, *Gakuba v. Warden*, No. 21-7450, 2022 WL 256342 (4th Cir. Jan. 26, 2022) (dismissed for lack of jurisdiction); *Gakuba v. Doe*, No. 22-CV-1039 (LTS), 2022 WL 561669 (S.D.N.Y. Feb. 22, 2022) (same); *Gakuba v. Cal. Att'y Gen.*, No. 22-cv-07698 NC (PR), 2022 WL 17813143 (N.D. Cal. Dec. 16, 2022) (withdrawn when transferred to Northern District of Illinois).

Gakuba has been warned about his duplicative and frivolous filings. In another case alleging the denial of access to the courts, we summarily dismissed his appeal as frivolous after agreeing with the district court that the appeal was not taken in good faith. *Gakuba v. Brown*, No. 20-1583 (7th Cir. Aug. 6, 2020). Gakuba also incurred three strikes under the Prison Litigation Reform Act while incarcerated. We cannot impose strikes or restrict Gakuba's filings under the Act, because he is no longer subject to it. But last year, we imposed a filing bar under *Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997), restricting Gakuba from filing further collateral attacks on his Illinois conviction or sentence until he pays $500, *Gakuba v. Jeffreys*, No. 22-3039, 2022 WL 18863593, at *1 (7th Cir. 2022), *cert. denied*, 143 S. Ct. 848 (2023). Gakuba has also lost the right to proceed in forma pauperis before the Supreme Court due to his repeated abuse of the certiorari process. *Gakuba v. Ill. Prisoner Rev. Bd.*, 143 S. Ct. 641 (2023); *Gakuba v. Dodd*, 143 S. Ct. 629 (2023).

Appeals in forma pauperis (IFP) must be taken "in good faith." 28 U.S.C. § 1915(a)(3). The relevant question is whether the appellant has raised any nonfrivolous issue, *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000); *Neitzke v. Williams*, 490 U.S. 319, 327 (1989), and Gakuba has not. He seeks, yet again, a way to relitigate his criminal conviction. Because he is not a prisoner, Gakuba did not have to seek permission to proceed IFP on appeal. Had he done so, the district judge who charitably granted that status in the first place likely would not have granted such permission, nor would we. In the future, district judges should scrutinize Gakuba's IFP requests closely.

As for this appeal, we revoke Gakuba's authorization to proceed IFP. *See Moran v. Sondalle*, 218 F.3d 647, 651 (7th Cir. 2000). The filing and docket fees for this appeal must be paid in full, and failure to do so may result in a bar on filing any papers in the courts of this circuit until the monetary sanction is paid. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995).

AFFIRMED