



damages for emotional injuries and pain and suffering inflicted on her and her children, and she asks the Court to “re look at the case.” (Compl. 7, ECF No. 1).

## ANALYSIS

### **A. *Rooker-Feldman* Doctrine**

The *Rooker-Feldman* doctrine prohibits federal district courts from reviewing state court civil judgments, including a prohibition on the Court hearing all claims that are inextricably intertwined with those judgments. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983) (“[A] United States District Court has no authority to review final judgments of a state court in judicial proceedings.”); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Taylor v. Fed. Nat’l Mortg. Ass’n*, 374 F.3d 529, 533 (7th Cir. 2004). Even a wrongly-decided state court decision is beyond the federal court’s ability to modify or reverse. *Rooker*, 263 U.S. at 415-16.

The Court infers that Macocha is referring to the state court proceeding that resulted in the termination of her parental rights when she asks the Court to relook at her “case.” That proceeding was assigned cause numbers 45D061307JT000132 and 45D061307JT000133 in the Juvenile Division of Lake County Superior Court. The *Rooker-Feldman* doctrine prevents the Court from being able to review the decisions made in state court, so that claim for relief must be dismissed for lack of jurisdiction. Similarly, all claims inextricably intertwined with the state court decision to terminate Macocha’s parental rights are also beyond the Court’s jurisdiction and are dismissed.

### **B. Failure to State a Claim**

Macocha’s Complaint does not list specific legal theories that she is pursuing, and she does not separate out specific conduct that led to specific injuries, instead joining everything together in her narrative. The Court construes Macocha’s claims against DCS’s conduct as claims that DCS violated her constitutional rights, including the right to raise her children. *See* 42 U.S.C. § 1983;

*Sanders v. Ind. Dept. of Child Servs.*, 806 F. App'x 478, 480 (7th Cir. 2020) (citing *Sebesta v. Davis*, 878 F.3d 226, 233 (7th Cir. 2017)). It is unclear whether any of Macocha's allegations (for example, her allegations that DCS harassed her and its caseworker lied) are sufficiently independent from the state court decision to avoid preclusion by the *Rooker-Feldman* doctrine. See *Sanders*, 806 F. App'x at 481; *Milchtein v. Chisholm*, 880 F.3d 895, 897-98 (7th Cir. 2018).

The Court need not parse Macocha's claims because any claims that are not barred by *Rooker-Feldman* that Macocha brings in her Complaint are necessarily dismissed under Federal Rule of Civil Procedure 12(b)(6). The Seventh Circuit has synthesized the standard to survive a challenge under Rule 12(b)(6) into three requirements. See *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009). "First, a plaintiff must provide notice to defendants of her claims. Second, courts must accept a plaintiff's factual allegations as true . . . . Third, in considering the plaintiff's factual allegations, courts should not accept as adequate abstract recitations of the elements of a cause of action or conclusory legal statements." *Id.*

In looking at the second requirement, the Court accepts Macocha's factual allegations as true. However, because a state agency is not a "person" for the purpose of a constitutional claim brought under § 1983, any such claims that Macocha may be bringing fail against DCS, the sole defendant named in this lawsuit. See *Sanders*, 806 F. App'x at 480.

Thus, Macocha's claims seeking a review of her state court case and any claims inextricably intertwined with that case are dismissed due to the Court's lack of jurisdiction pursuant to the *Rooker-Feldman* doctrine. Any claims for damages due to constitutional violations that are independent of the state court decision and survive application of the *Rooker-Feldman* doctrine are dismissed under Rule 12(b)(6) because DCS cannot be sued for those alleged violations under 42 U.S.C. § 1983.

Macocho has not specifically asked for leave to amend her complaint, but she is litigating pro se, and the Court will permit Macocha to amend her complaint. *See* Fed. R. Civ. P. 15(a) (dictating that leave to amend a complaint should be freely given when justice so requires). If Macocha chooses to file an amended complaint, however, she must not bring claims challenging the state court's orders or asking the Court to review those decisions. Also, as explained above, she cannot bring claims for damages due to constitutional violations under 42 U.S.C. § 1983 against DCS.

### CONCLUSION

Based on the foregoing, the Court hereby **GRANTS** the Motion to Dismiss [DE 8] and **DISMISSES without prejudice** Plaintiff Jeanna Macocha's Complaint. She may file an amended complaint **on or before September 11, 2020**. If she does not file an amended complaint by the deadline, the Court will direct the Clerk of Court to close this case.

SO ORDERED on August 27, 2020.

s/ Joseph S. Van Bokkelen  
JOSEPH S. VAN BOKKELEN, JUDGE  
UNITED STATES DISTRICT COURT

cc: Plaintiff Jeanna Macocha, *pro se*