

NONPRECEDENTIAL DISPOSITION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 June 15, 2023*

Decided June 15, 2023

Before

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-3146

PAUL HUNTER,
Plaintiff-Appellant,

v.

JEFF LEGGETT, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 22-CV-424-JPS

J.P. Stadtmueller,
Judge.

ORDER

Paul Hunter seeks to overturn a Wisconsin state-court order related to his unpaid child support. The district court dismissed the case for lack of subject-matter jurisdiction, ruling that the *Rooker-Feldman* doctrine barred his claims. We affirm.

* 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).

After Hunter failed to pay child support and appear at a hearing, a Wisconsin state judge held him in contempt and issued a warrant for his arrest. The judge ruled that Hunter could purge the contempt order by paying \$3,000 or by requesting a hearing to demonstrate his inability to pay. Hunter instead asked the court to dismiss the arrest warrant. The court's commissioner denied the request, and another judge scheduled a hearing for Hunter to appeal the commissioner's decision. But Hunter asked that the hearing be canceled, and the court removed the hearing from its calendar.

Hunter then brought this suit in federal court against Wisconsin state-court judges, the state-court commissioner, and others for failing to dismiss the warrant. Citing various constitutional amendments (the First, Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth), as well as several federal statutes (most notably, 31 U.S.C. § 3720D, which lays out the garnishment procedures for an agency collecting money owed to the United States), he claimed to be injured by the warrant and the garnishment of his unemployment benefits and tax refunds. The defendants, in turn, moved to dismiss the complaint based on the *Rooker-Feldman* doctrine, which prohibits "cases brought by state-court losers complaining of injuries caused by state-court judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283–84 (2005) (citing *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983)).

The district judge dismissed Hunter's constitutional claims without prejudice and his statutory claims with prejudice. Regarding the constitutional claims, the judge determined that these were barred under *Rooker-Feldman* because Hunter sought to "revisit and undo actions taken by the state court." The claims were alternatively barred, the judge ruled, under the domestic-relations exception to federal jurisdiction, which blocks federal adjudication of cases involving child-custody decrees. *See Ankenbrandt v. Richards*, 504 U.S. 689, 693–95 (1992). As for Hunter's statutory claims, the judge explained that Hunter could not state a claim under 31 U.S.C. § 3720D because the statute is limited to federal debtors, and Hunter alleged that the IRS applied his benefits and refunds to his debt owed to Racine County. Nor could Hunter, the judge added, bring a civil suit under the many criminal statutes he listed in his complaint.

On appeal, Hunter argues generally that the district judge misapplied the *Rooker-Feldman* doctrine. But the judge correctly ruled that the doctrine blocks Hunter's suit. Hunter expressly seeks to challenge the state-court order authorizing his arrest, and

seeks an injunction against the contempt order, an endeavor squarely prohibited by *Rooker-Feldman*. See *Mains v. Citibank, N.A.*, 852 F.3d 669, 676 (7th Cir. 2017). Hunter also seeks to undo and prevent further garnishment of his unemployment benefits and tax refunds, which the IRS applied to his debt with the Racine County Child Support Agency. But the alleged garnishment injury is rooted in the state court’s determination that he owed \$3,000, see *Harold v. Steel*, 773 F.3d 884, 885–86 (7th Cir. 2014), and only a Wisconsin appellate court or the Supreme Court of the United States can overturn that judgment. *Exxon Mobil Corp.*, 544 U.S. at 284.

Hunter also contests the application of *Rooker-Feldman* on grounds that he was never provided a hearing to challenge the state-court judgment. But while *Rooker-Feldman* does not apply when “state-court rules or procedures” deprive a plaintiff of a reasonable opportunity to raise his claims in state court, *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 408 (7th Cir. 2023) (citation omitted), Hunter has not identified any such obstacles. Indeed, to the extent indigency was a hindrance, Hunter was informed in the order authorizing his arrest that he could purge the contempt order by seeking a hearing to show his inability to pay. But rather than pursue that option, Hunter asked the court to remove a hearing from its calendar.

A final note regarding the disposition. Although we affirm the judgment dismissing this case, we modify it to be without prejudice to Hunter’s statutory claims insofar as he complains of injuries that are inseparable from the state court’s judgments. Dismissal for lack of jurisdiction under *Rooker-Feldman* must be without prejudice, see *Mains*, 852 F.3d at 678, and at least one of Hunter’s statutory claims, purportedly brought under 31 U.S.C. § 3720D, appears to allege the same injury as his constitutional claims about garnishment that the district court lacked jurisdiction to address. To the extent Hunter alleges injuries independent of the state court’s orders—apparently including his claims that assert, improperly in a civil suit, that defendants violated criminal statutes—we affirm the judgment dismissing those claims with prejudice.

We AFFIRM the judgment as modified.