

NONPRECEDENTIAL DISPOSITION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 September 11, 2023*

Decided September 12, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-2914

JACLYNN HOOKER,
Petitioner-Appellee,

v.

NATHANIEL HOOKER,
Respondent-Appellant.

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

No. 22 C 2999

Virginia M. Kendall,
Judge.

ORDER

Nathaniel Hooker seeks review of two decisions: The first remanded his child-custody proceedings to state court, and the second awarded attorney's fees to his ex-

* 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).

wife for the expense of a frivolous removal. We previously limited this appeal to a challenge of the latter ruling because we lack jurisdiction to review the remand order. Because Nathaniel continues to dispute the remand without addressing the fee award, we now affirm the decision to award attorney's fees.

In 2018, the Circuit Court of Will County, Illinois, adjudicated the divorce and child-custody proceedings of Nathaniel and Jaclynn Hooker. (For clarity, we refer to the parties by their first names.) A few years later, Jaclynn moved to modify Nathaniel's child-support obligations because his income had increased substantially. Nathaniel removed the divorce case to federal court, arguing that the district court had jurisdiction because he is a federal employee, he receives benefits from the U.S. Department of Veterans Affairs, and the state court proceedings allegedly violated his federal constitutional rights. Jaclynn moved to remand the case to state court, and, invoking 28 U.S.C. § 1447(c), she requested reasonable attorney fees and costs for Nathaniel's improper removal to federal court.

The district court agreed that removal was improper because it had no subject-matter jurisdiction over the family-court matter. It explained that Nathaniel's child-support obligations did not raise a federal question; further, any diversity jurisdiction was defeated by the domestic-relations exception, *see Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992), and the *Rooker-Feldman* doctrine, *see Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 (1983). The court remanded the case to state court, reviewed the evidence for Jaclynn's fee request, and ultimately ordered Nathaniel to pay \$12,450.

Sixty-four days after the remand order and twenty-eight days after the ruling awarding fees in an amount certain, Nathaniel filed a notice of appeal purportedly challenging both decisions. We told the parties to submit jurisdictional memoranda addressing whether the remand decision was appealable under 28 U.S.C. § 1291.

Nathaniel's memorandum is unpersuasive. He argues that under 28 U.S.C. § 1447(d)—which permits review of removal in cases that involve (1) a federal officer acting under color of his office, *id.* § 1442, or (2) federal civil rights, *id.* § 1443—we can review the decision to remand here. He again asserts that being a federal employee and raising constitutional claims entitled him to remove. He also contends that because the order for attorney's fees was predicated on the merits of the removal order, both orders are appealable.

We concluded otherwise. *See* Limiting Order, App. Dkt. 16 (Feb. 17, 2023). Although we have jurisdiction to review a case remanded to state court based on the exceptions in § 1447(d), *Northern League, Inc. v. Gidney*, 558 F.3d 614, 614 (7th Cir. 2009), none applies here. Nathaniel's child-support obligations are not related to acts taken pursuant to his federal office, 28 U.S.C. § 1442. And his cursory mention of civil rights violations does not provide us with jurisdiction under § 1443: It hardly meets the standard of Rule 28(a) of the Federal Rules of Appellate Procedure. *See Yasinsky v. Holder*, 724 F.3d 983, 989 (7th Cir. 2013). (We add that, based on FED. R. APP. P. 4(a)(1)(A), Nathaniel appealed the remand decision too late even if his theories held water.) Thus, we limited the appeal to the award of fees and costs for the removal, which we have jurisdiction to review even when the remand order is not before us. *See, e.g., PNC Bank, N.A. v. Spencer*, 763 F.3d 650, 653 (7th Cir. 2014); *Micrometl Corp. v. Tranzact Techs., Inc.*, 656 F.3d 467, 469–70 (7th Cir. 2011).

Despite the clear limiting order, Nathaniel devotes his entire brief to challenging the remand to state court. Because he fails to develop any argument about the order requiring him to pay costs and attorney's fees, he has waived the only issue on appeal. *See Bradley v. Village of Univeristy Park*, 59 F.4th 887, 897 (7th Cir. 2023).

Finally, Jaclynn requests attorney's fees and costs incurred in this appeal. Litigants are entitled to reasonable costs and fees for defending on appeal the award of fees granted under § 1447(c), with or without a separate motion. *See, e.g., PNC Bank, N.A.*, 763 F.3d at 655; *Garbie v. DaimlerChrysler Corp.*, 211 F.3d 407, 411 (7th Cir. 2000).

Accordingly, we DISMISS for lack of jurisdiction Nathaniel's appeal of the remand order, AFFIRM the award of fees and costs, and GRANT Jaclynn's request for appellate fees and costs and ORDER her to submit, within 14 days, a statement of the reasonable costs and fees incurred in this appeal; Nathaniel will have 14 days thereafter to respond.