NONPRECEDENTIAL DISPOSITION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, 2024*
Decided October 21, 2024

Before†

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2074

LYLE R. HARRISON, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Eastern District of Wisconsin.
v.	No. 18-CV-0957
MOULTRIE COUNTY, ILLINOIS, et al., *Defendants-Appellees*.	Lynn Adelman, *Judge*.

O R D E R

After a partial remand from this court, the district court stayed what remained of Lyle Harrison's federal case because the remaining claims arose out of an ongoing

* The defendants were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. *See* FED. R. APP. P. 34(a)(2)(C).

† This appeal is successive to Appeal No. 18-3694 and is being decided under Operating Procedure 6(b) by the member of the panel in No. 18-3694 who remains on the court. The second and third judges in this appeal, No. 24-2074, were assigned at random.

criminal case in state court. *See Younger v. Harris*, 401 U.S. 37, 41 (1971). Years later, Harrison moved to lift the stay, invoking an exception to *Younger* abstention that applies when the federal-court plaintiff has a credible claim that his constitutional right to a speedy trial is being violated in his criminal prosecution. The district court declined to lift the stay upon determining that the delay in Harrison's trial resulted from his own refusal to appear in state court and that, therefore, the speedy-trial claim was frivolous. Because the court's assessment was correct, we affirm.

In his 2018 lawsuit, Harrison alleged a wide-ranging conspiracy among various family members, companies, and judges, to steal his farmland, pocket his trust income, and threaten him into silence through a sham criminal prosecution. The district court dismissed his complaint, *see* 28 U.S.C. § 1915(e)(2)(B), concluding that most claims were barred by the *Rooker-Feldman* doctrine because they invited review of state-court judgments. The court further ruled that the complaint otherwise failed to state a plausible claim for relief. On appeal, we largely affirmed but concluded that the claims relating to Harrison's criminal prosecution—including malicious prosecution and deprivations of due process—were not appropriate for adjudication in federal court while the prosecution was ongoing. *See Harrison v. Moultrie Cnty., et al.*, 770 F. App'x 295 (7th Cir. 2019); *see also Younger*, 401 U.S. at 41. Therefore, we partially vacated the judgment and remanded with instructions to stay the surviving claims under *Younger*. In doing so, we specifically stated we were not opining on whether the claims of constitutional violations during the criminal case were viable.

Five years passed, and then Harrison filed a "petition for rehearing" in the district court, which the court construed as a motion to lift the stay because Harrison sought the dismissal of the prosecution in Illinois. Harrison argued that *Younger* abstention was no longer appropriate because he had been waiting for the case to proceed for more than eleven years, in violation of his constitutional right to a speedy trial. We had noted this exception in our previous opinion while observing that Harrison had not "meaningfully develop[ed]" an argument about a violation of his speedy-trial right. *Harrison*, 770 F. App'x at 297 n.1 (citing *Sweeney v. Bartow*, 612 F.3d 571, 573 (7th Cir. 2010)). The district court took judicial notice of the state record and discovered that Harrison, who resides in Wisconsin, has not been brought to trial in Illinois because he has repeatedly failed to appear and is considered a fugitive from justice. *See People v. Harrison*, No. 2013-CF-47 (Ill. Cir. Ct. Jan. 5, 2021). Because the speedy-trial claim was not well-founded, the district court refused to lift the stay.

Harrison appeals, and under the collateral-order doctrine, we have jurisdiction to review the denial of the motion to lift the stay. *See Wisc. Right to Life State Pol. Action Comm. v. Barland*, 664 F.3d 139, 146 (7th Cir. 2011). But Harrison's appeal is frivolous. His arguments go far beyond the single issue on appeal—whether *Younger* abstention remains appropriate—and instead rehash claims about his farmland and trust that we have held were barred by the *Rooker-Feldman* doctrine or claim preclusion. No change of law or special circumstance warrants revisiting the law of the case. *See Carmody v. Bd. of Trs. of Univ. of Ill.*, 893 F.3d 397, 408 (7th Cir. 2018). The only claims the district court had the power to adjudicate were those pertaining to the state criminal prosecution; the rest were resolved, finally, in the first appeal. *See id.* at 407 (explaining the mandate rule). The district court properly stayed the remaining claims on remand, and the only issue in this appeal is whether it abused its discretion by not lifting the stay.

Harrison has not developed any argument on appeal about why the stay should be lifted, and he has not addressed his failure to appear in Illinois, other than to assert he cannot get a fair trial. Thus, he waives any argument that the district court erred. *See Greenbank v. Great Am. Assurance Co.*, 47 F.4th 618, 629 (7th Cir. 2022). We therefore affirm the district court's decision.

We also note that if Harrison continues to obstruct his own criminal trial by not participating in that case, the district court may consider dismissing Harrison's remaining federal claims. By placing himself outside Illinois's reach in the state criminal case, Harrison may be attempting to manipulate that proceeding through this federal litigation. *See Sarlund v. Anderson*, 205 F.3d 973, 975 (7th Cir. 2000) (dismissing case when plaintiff's fugitive status allowed him to "harass the defendants with impunity" while living "beyond judicial control"). Such actions would be a clear abuse of process. *See id.*

Harrison's actions also frustrate the purpose of *Younger. Younger* abstention is premised on the concepts of comity and federalism: that federal courts should avoid intruding on a state criminal prosecution when the defendant can assert his claims in his defense and will not suffer irreparable injury if denied equitable relief. *Younger*, 401 U.S. 37 at 43–44, 46. For this reason, we caution federal courts to "stay on the sidelines." *See J.B. v. Woodard*, 997 F.3d 714, 722–23 (7th Cir. 2021). Our first decision instructed the district court to stay certain of Harrison's claims until the state criminal prosecution was over. But Harrison is now forcing the federal courts to stay on the sidelines indefinitely, *see id.*, and abstaining does not honor the principles of federalism or comity. Under these circumstances, the district court need not keep this case lingering on its docket if the criminal case does not move forward. *Id.* at 725. Before the district court takes any action, though, Harrison should be provided with notice and an opportunity to respond.

AFFIRMED