

NONPRECEDENTIAL DISPOSITION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**

Argued April 14, 2025

Decided April 15, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-2676

KEVIN D. MOTYKIE, et al.,
Plaintiffs-Appellants,

v.

GARY MOTYKIE, et al.,
Defendants-Appellees.

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

No. 1:23-cv-01779

Jeremy C. Daniel,
Judge.

ORDER

This appeal contests the district court's August 28, 2024, decision granting the defendants' motion to dismiss the plaintiffs' claims under the *Rooker-Feldman* doctrine, which precludes federal courts from exercising appellate jurisdiction over state court judgments. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of*

Appeals v. Feldman, 460 U.S. 462 (1983). The Supreme Court restated that doctrine in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005).¹

Before the district court's decision here, this court sitting en banc considered the scope and applicability of the *Rooker-Feldman* doctrine in *Gilbank v. Wood County Department of Human Services*, 111 F.4th 754 (7th Cir. 2024). This court decided *Gilbank* on August 1, 2024.

In the district court, after the parties had completed briefing of the motion to dismiss, some of the defendants on August 26, 2024 moved for leave to cite *Gilbank*. Dist. Ct. DE 71. The district court issued its decision granting the motion to dismiss on August 28, 2024, and on the same day granted the motion to cite *Gilbank*. Dist. Ct. DE 73.

Although the motion to cite our court's decision in *Gilbank* was granted, the district court's decision to dismiss the amended complaint does not reveal that *Gilbank* was considered. *Gilbank* is not cited in the district court's decision. That decision references fraud allegations, and *Gilbank* eliminated the "fraud exception" to the *Rooker-Feldman* doctrine. 111 F. 4th at 760. The district court's decision also references the "inextricably intertwined with state court proceedings" standard from the Supreme Court's decision in *Exxon Mobil*, which this court agreed should no longer be relied upon. 111 F.4th at 761.

Because this court's decision in *Gilbank* controls the scope and application of the *Rooker-Feldman* doctrine in this circuit, we think it best that the district court consider defendants' motion to dismiss on the ground of *Rooker-Feldman* with the benefit of *Gilbank*. Accordingly, we VACATE the district court's order and judgment dismissing this case and REMAND this case for further proceedings.

¹ In April 2024, the district court dismissed the original complaint as barred by the *Rooker-Feldman* doctrine. Dist. Ct. DE 50. The plaintiffs were permitted to and did amend their complaint. Dist. Ct. DE 53. The defendants again moved to dismiss the amended complaint as barred by *Rooker-Feldman*, which the district court granted. Dist. Ct. DE 73. Judgment was entered, Dist. Ct. DE 74, and we have appellate jurisdiction pursuant to 28 U.S.C. § 1291.