

NONPRECEDENTIAL DISPOSITION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 May 1, 2025*

Decided May 5, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-2790

PABLITO VEGA,
Plaintiff-Appellant,

v.

ROHIT RANGARAJAN, *et al.*,
Defendants-Appellees.

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

No. 23-cv-1124-SCD

Stephen C. Dries,
Magistrate Judge.

ORDER

After Pablito Vega’s application for unemployment benefits was denied, he filed this suit in federal court accusing the defendants of violating his right to due process of law. He asserts that the state agency and its employees erroneously believed that he

* After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).

was incarcerated, a belief that led to the adverse decision. The parties agreed to have a magistrate judge resolve their dispute. 28 U.S.C. §636(c).

The judge dismissed all claims against the agency, and any state employee acting in an official capacity, on the ground that the Eleventh Amendment entitles Wisconsin to immunity from suit in federal court. Yet courts should avoid constitutional adjudication when possible, as it is easy and appropriate to do here. *Will v. Michigan Department of State Police*, 491 U.S. 58 (1989), holds that states, their agencies, and their employees sued in an official capacity are not “persons” for the purpose of §1983 and therefore cannot be sued for damages. This statutory issue, not the Constitution, is the right place to start and to conclude. See *Lapides v. University of Georgia*, 535 U.S. 613, 617 (2002). If §1983 were amended to allow suits against states, the next question would be whether §5 of the Fourteenth Amendment permits Congress to override any state immunity. See *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976). Given the current text of §1983, however, that question does not arise.

As for the defendants sued in their individual capacities, including the administrative law judge and the commissioners of the Labor and Industry Review Commission, we agree with the magistrate judge that all have absolute immunity from liability in damages. See *Cleavinger v. Saxner*, 474 U.S. 193, 200 (1985); *Coleman v. Dunlap*, 695 F.3d 650, 652 (7th Cir. 2012). Vega’s insistence that these defendants erred in handling his claim does not affect the scope of their immunity. An immunity from suit would be worthless if it applied only when the defendants prevail on the merits.

Vega’s other arguments, including those raised for the first time in his reply brief, need not be addressed.

Although the magistrate judge stated that the institutional and official-capacity defendants possess sovereign immunity, which should have led to a dismissal without prejudice (leaving Vega free to proceed in state court), the judge incongruously dismissed the entire suit with prejudice. That judgment is correct, even though some of the reasons for it are not, and is therefore **AFFIRMED**.