

NONPRECEDENTIAL DISPOSITION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 January 20, 2026*

Decided January 21, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

Nos. 25-1449 & 25-2029

TONY COLE,
Plaintiff-Appellant,

v.

JOSEPH C. FAULKNER, et al.,
Defendants-Appellees.

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

No. 24 C 12117

Jorge L. Alonso,
Judge.

ORDER

This case arises from Tony Cole's eviction from a building in Chicago that he alleges was improper, retaliatory, and based on a fraudulent transfer of the property. He sued his former landlord, a property company, and other persons for retaliatory eviction under the Fair Housing Act, *see* 42 U.S.C. § 3617, due process violations under

* 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).

the Fourteenth Amendment, *see* 42 U.S.C. § 1983, and state-law claims of fraudulent transfer, retaliatory eviction, and legal malpractice. The district judge dismissed Cole's claims. We affirm.

I.

The procedural background for this case, involving multiple proceedings in state court, is complicated. The backdrop is a property near Chicago's Wicker Park neighborhood, at 1205 North Milwaukee Avenue. In April 2018, Cole leased a second-floor residential unit at this address from Jin Lee, who also lived in the unit. On the first floor, the building featured a commercial space, which Cole used for his various businesses. According to Cole, Lee (a defendant in the federal suit here) orally agreed to sell him the entire property for \$475,000.

Lee twice—in 2022 and March 2023—commenced state-court eviction actions against Cole to remove him from the property's commercial and residential units. Both actions were dismissed. *Lee v. Cole*, No. 20221709496 (Ill. Cir. Ct. Mar. 20, 2023); *Lee v. Cole*, No. 20231704999 (Ill. Cir. Ct. Dec. 18, 2023).

In April 2023, Cole filed a wide-ranging lawsuit against Lee in state court, alleging among other things attempted illegal eviction and intentional infliction of emotional distress. After a joint bench-and-jury trial, the state judge entered judgment against Cole. *Cole v. Lee*, No. 20231108836 (Ill. Cir. Ct. Oct. 6, 2025). Cole's appeal in that case is pending.

Several months later, Cole filed another state-court lawsuit against Lee, this time for breach of contract, seeking to enforce the oral-purchase agreement. A state judge dismissed this suit because it involved the same parties and claim for relief as Cole's other case against Lee. The Illinois Appellate Court affirmed. *Cole v. Lee*, No. 1-24-1231, 2025 WL 1010398 (Ill. App. Ct. Apr. 4, 2025).

In December 2023, Lee sold the property to 1205 Milwaukee LLC. That company's sole member is Southern Capital, LLC, which in turn has two members, Joseph Faulkner (a defendant here) and one non-party person.

In February 2024, 1205 Milwaukee, represented by Christopher Acuna (also a defendant here), filed two separate state-court lawsuits seeking to evict Cole from the commercial and residential spaces, respectively. The commercial-eviction case proceeded to a jury trial, and in July 2024, a state court judge entered a judgment for

possession in favor of 1205 Milwaukee. The residential-eviction case also went to trial, and in December 2024, a state court judge entered a judgment for possession in favor of 1205 Milwaukee. Cole appealed multiple orders in both the residential and commercial eviction cases, and the Illinois Appellate Court—consolidating the appeals—affirmed. *See 1205 Milwaukee, LLC v. Tony Cole*, Nos. 1-24-1434, 1-24-2224, 1-24-2234, 1-24-2611, 2025 WL 3161979 (Ill. App. Ct. Nov. 10, 2025); *1205 Milwaukee, LLC v. Tony Cole*, No. 1-24-1467, 2025 WL 253062 (Ill. App. Ct. Jan. 21, 2025).

In the meantime, in July 2024, 1205 Milwaukee filed another lawsuit in state court against Cole for slander of title and quiet title. Cole counterclaimed, asserting fraudulent transfer, slander of title, breach of contract, and abuse of process. *1205 Milwaukee, LLC v. Tony Cole*, No. 2024CH06317 (Ill. Cir. Ct. case disposed Nov. 19, 2025). The case is ongoing.

Around this same time, Cole also brought two similar lawsuits against Lee’s attorney, David Yanoff (also a defendant here), for legal malpractice. Both suits were dismissed because the state judge deemed Yanoff to be protected by the Illinois absolute litigation privilege. The state appellate court affirmed those judgments. *Cole v. Yanoff*, No. 1-24-1017, 2025 WL 354700 (Ill. App. Ct. Jan. 31, 2025); *Cole v. Yanoff*, No. 1-24-1230, 2025 WL 432981 (Ill. App. Ct. Feb. 7, 2025).

In November 2024, the Cook County Sheriff evicted Cole from the commercial space.

That same month, Cole filed this federal lawsuit against Lee, Faulkner, 1205 Milwaukee, Yanoff, and Acuna for retaliatory eviction under the Fair Housing Act, *see* 42 U.S.C. § 3617, due-process violations under the Fourteenth Amendment, *see* § 1983, and state-law claims of fraudulent transfer, retaliatory eviction, and legal malpractice. Cole sought \$375,000 in compensatory damages, \$500,000 in punitive damages, and \$200,000 in emotional and psychological damages. He also sought injunctive relief in the form of the restoration of utilities, a stay of “retaliatory” legal actions, and a declaration that the property transfer to 1205 Milwaukee was fraudulent and void.

A few months later, the Cook County Sheriff’s office evicted Cole from the residential space.

Faulkner then moved to dismiss the federal case, arguing that the district court did not have jurisdiction over Cole's federal claims under the *Rooker-Feldman* doctrine because Cole sought federal review of state-court judgments. See *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). Cole countered that his federal claims fell under the fraud-based exception to *Rooker-Feldman* because the defendants had colluded with state court judges to evict him.

At a hearing on the motion to dismiss, the district judge dismissed Cole's case, concluding under *Rooker-Feldman* that the court lacked jurisdiction over Cole's federal claims for damages and injunctive relief because his case was inextricably intertwined with the state-court proceedings. The judge, quoting our decision in *Hadzi-Tanovic v. Johnson*, 62 F.4th 394, 405 (7th Cir. 2023) (internal citation omitted), also ruled that there was no fraud-based exception to *Rooker-Feldman* because "no matter how wrong a state court judgment may be under federal law, lower federal courts do not have jurisdiction to review it." The judge next determined that Cole did not adequately state a claim under the Fair Housing Act because he did not allege what right he was exercising under the statute that triggered its anti-retaliation provisions. The judge declined to exercise jurisdiction over any remaining state-law claims.

Cole then filed two post-judgment motions. He moved for the judge to recuse himself on grounds of bias. In a separate filing, Cole also sought reconsideration, mostly rehashing arguments he made in response to the defendants' motion to dismiss. In a single order, the judge denied both motions. The judge determined first that Cole's disagreement with adverse rulings did not warrant recusal. As for the motion for reconsideration, the judge corrected his previous order and ruled that *Rooker-Feldman* did not preclude Cole's federal claims for damages arising from the harms of the state-court proceedings. See *Gilbank v. Wood Cnty. Dep't of Hum. Servs.*, 111 F.4th 754, 793 (7th Cir. 2024) (en banc). The judge, however, stood by his prior rulings. He reaffirmed the dismissal of Cole's claims for injunctive relief because there was no fraud-based exception to the *Rooker-Feldman* doctrine. Regarding Cole's claims under the Fair Housing Act, the judge reiterated that Cole failed to allege what right he was exercising under the statute that triggered its anti-retaliation provisions. As for Cole's § 1983 claim, the judge explained that Cole could not allege that the defendants were acting under the color of law because they did not become state actors for § 1983 purposes merely by pursuing eviction or other state-court proceedings against him.

II.

On appeal, Cole raises two related challenges to the district judge's application of *Rooker-Feldman* to bar his claims for injunctive relief from the state-court eviction judgments. He argues, first, that *Rooker-Feldman* does not apply because he alleges "fraud" in the state litigation. But we have rejected the notion of a "fraud exception" to *Rooker-Feldman* because claims of corruption in a state court proceeding require federal courts to evaluate and vacate state-court judgments. *See Gilbank*, 111 F.4th at 783–84.

Cole also argues that *Rooker-Feldman* does not apply because final judgments in his state cases had yet to be issued when he filed his federal lawsuit. *See id.* at 766. But even if we accept Cole's chronology of events, his attempt to overturn those judgments is barred by the affirmative defense of claim preclusion. *See, e.g., H.A.L. NY Holdings, LLC v. Guinan*, 958 F.3d 627, 632–33 (7th Cir. 2020). Under this affirmative defense, which the defendants raised in the district court and again on appeal, "there must be (1) a final judgment on the merits rendered by a court of competent jurisdiction, (2) the same cause of action, and (3) the same parties or their privies." *Bonnstetter v. City of Chicago*, 811 F.3d 969, 975 (7th Cir. 2016) (internal quotation omitted). Here all three requirements are met: The state courts issued final judgments in the residential and commercial eviction cases; this case and the state eviction cases involve the same parties; and the eviction cases arose out of the same group of operative facts as Cole's federal claims—his eviction from the property—so they are considered the same claim for relief even if they assert different theories of relief. *See Parungao v. Cmty. Health Sys., Inc.*, 858 F.3d 452, 457 (7th Cir. 2017).

Likewise, claim preclusion bars Cole's claims against Yanoff for legal malpractice. Cole alleges the same state-law claim for relief against the same defendant. And the state judge's dismissal of this claim for relief with prejudice constitutes a final judgment on the merits.

Next, Cole takes aim at the dismissal of his § 1983 claim and argues that he sufficiently pleaded state action by alleging collusion between the state judges, a federal judge, and the defendants. In his complaint, Cole alleged that the defendants were acting under the color of law because they filed "baseless eviction lawsuits" and relied on "state judicial mechanisms" to evict him from the property. But Cole had to "identify a sufficient nexus between the state and the private actor to support a finding that the deprivation committed by the private actor is 'fairly attributable to the state.'" *L.P. v. Marian Catholic High Sch*, 852 F.3d 690, 696 (7th Cir. 2017) (quoting *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982)). And his "mere allegations of joint action or a

conspiracy do not demonstrate that the defendants acted under color of state law and are not sufficient to survive a motion to dismiss.” *Spiegel v. McClintic*, 916 F.3d 611, 616 (7th Cir. 2019) (quoting *Fries v. Helsper*, 146 F.3d 452, 458 (7th Cir. 1998)).

Turning next to the dismissal of his claim under the Fair Housing Act, Cole argues that the judge erred by dismissing his claim of retaliatory eviction. Cole argues that to state a claim under the Fair Housing Act, he had to allege only that he was retaliated against for asserting his housing rights. But that formulation is incomplete. To state a claim of retaliatory eviction under the Fair Housing Act, Cole needed—but failed—to allege that he was subjected to discriminatory housing practices based on his race, color, religion, sex, familial status, national origin, or disability. *See Block v. Frischholz*, 587 F.3d 771, 776 (7th Cir. 2009).

Cole also renews his charge of bias against the district judge based on rulings against him and the denial of many of his motions as moot. But he provides no evidence to support this assertion, and judicial determinations alone almost never establish bias. *See Liteky v. United States*, 510 U.S. 540, 555–56 (1994).

Last, Cole argues for the first time that his rights under the First Amendment were violated when a state court judge held him in criminal contempt after he announced his intention to file a federal civil rights lawsuit. But Cole waived this argument by not raising it in the district court. *See Bradley v. Vill. Univ. Park*, 59 F.4th 887, 897 (7th Cir. 2023).

We have considered Cole’s other arguments, and none merits discussion.

AFFIRMED