

NONPRECEDENTIAL DISPOSITION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 July 28, 2026*

Decided July 28, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

Nos. 25-3173 & 25-3174

CHARLES L. WALKER,
Plaintiff-Appellant,

v.

DANE COUNTY CHILD SUPPORT
AGENCY, et al.,
Defendants-Appellees.

Appeals from the United States District
Court for the Western District of
Wisconsin.

Nos. 25-cv-817-jdp & 25-cv-907-jdp

James D. Peterson,
Chief Judge.

ORDER

Charles Walker filed two lawsuits in federal court seeking injunctive relief and damages for injuries arising out of state child-support proceedings. The district court

* The defendants were not served with process in the district court and are not participating on 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. FED. R. APP. P. 34(a)(2)(C).

dismissed his suits at screening, abstaining from some claims and finding the remainder untimely, insufficiently pleaded, or barred by immunity doctrines. We affirm.

We accept as true all factual allegations in Walker's complaints, and we take judicial notice of the state-court proceedings underlying his claims. *See Guerrero v. Howard Bank*, 74 F.4th 816, 819 (7th Cir. 2023). In 2007, Andrea Brendemuehl, an attorney with the Dane County Child Support Agency in Wisconsin, initiated paternity and child-support proceedings against Walker. Brendemuehl falsely represented to Court Commissioner Mary Beth Keppel that she had exercised due diligence in attempting to serve Walker with the paternity action, and Keppel issued a warrant for Walker's arrest. *See* WIS. STAT. § 818.02(6) (respondent in child support or paternity action may be arrested if court commissioner finds that, despite due diligence, petitioner cannot effect service of process). Walker was arrested in 2008.¹

Eventually, Walker began participating in the child-support proceedings, *see In re Paternity of S.J.W.*, No. 2007PA000676PJ (Dane Cnty. Cir. Ct.), but he fell behind on payments. Although Walker earned income only through his Social Security Insurance (SSI) payments, in 2023 Judge Jacob Frost ordered him to pay \$134 per month toward his unpaid obligations. In September 2023, Judge Frost issued a contempt order against Walker, and Walker was arrested and jailed in January 2025 for failing to pay child support. Walker appealed the arrearage order, but the Wisconsin Court of Appeals has since affirmed it, and Walker did not seek review in the Wisconsin Supreme Court. *See Bennett v. Walker (Walker I)*, No. 2025AP507 (Wis. Ct. App. Apr. 30, 2026).

In June 2025, Walker requested records relating to the child-support proceedings from a court clerk. He discovered that Brendemuehl had misrepresented her efforts to serve him with process to manufacture probable cause for the 2007 arrest warrant and then sealed and hid the relevant records. Walker then unsuccessfully moved to dismiss the child-support proceedings. In August 2025, he appealed, contending that the circuit court lacked personal jurisdiction over him, that Brendemuehl perpetrated fraud on the court, and that his right to due process had been violated. *See Bennett v. Walker (Walker II)*, No. 2025AP001777 (Wis. Ct. App.). That appeal remains pending.

¹ Walker's complaint lacks specifics about his arrest. But he confirms in his appellate brief that he was arrested in 2008, and we may consider factual allegations made on appeal when they are consistent with the complaint. *See Smoke Shop, LLC v. United States*, 761 F.3d 779, 785 (7th Cir. 2014).

While his appeals were pending in state court, Walker filed these federal suits. In the first, he alleged that Brendemuehl, Keppler, the Dane County Child Support Agency, and the Wisconsin Department of Children and Families maliciously prosecuted and falsely arrested him in violation of his rights under the Fourth Amendment, *see* 42 U.S.C. § 1983, and intentionally inflicted emotional distress in violation of state law. In the second, he alleged that Judge Frost, the Dane County Child Support Agency, and the Department of Children and Families violated his right to due process, *see id.*, and a federal regulation that insulates SSI payments from child support obligations, *see* 5 C.F.R. § 581.104(j). In both suits, Walker sought damages and injunctive relief.

The district court consolidated the cases, then screened and dismissed them under 28 U.S.C. § 1915. The court concluded that Walker's claims regarding the 2007 arrest warrant were untimely and that Commissioner Keppler was entitled to judicial immunity. The court next determined that Walker's then-ongoing state-court appeal of the arrearage order counseled in favor of abstention. *See J.B. v. Woodard*, 997 F.3d 714, 722 (7th Cir. 2021) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). In the alternative, the court concluded that Judge Frost was absolutely immune from suit, that Walker could not sue the state directly, and that he had not alleged an unconstitutional policy or practice that could result in the county's liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978). Finally, the court denied Walker leave to amend his complaint, reasoning that any amendment would be futile.

On appeal, Walker first objects to the district court's dismissal of his claim that his arrest pursuant to the allegedly fraudulent 2007 warrant violated the Fourth Amendment.² He generally contends that dismissal at the screening stage was premature and that the cause of action did not accrue until he knew or reasonably should have known of the injury. *See Cielak v. Nicolet Union High Sch. Dist.*, 112 F.4th 472, 477 (7th Cir. 2024). The statute of limitations on a claim like Walker's is six years, *see* WIS. STAT. § 893.53 (2007), but he did not file his federal lawsuit until 17 years after his allegedly unlawful arrest. Walker has not developed any argument that the district court erred by concluding that the time for him to have raised this claim has long since passed. *See Jackson v. City of Madison*, 176 F.4th 1005, 1016 (7th Cir. 2026) (undeveloped arguments are waived).

² Walker does not pursue on appeal his claims of malicious prosecution or intentional infliction of emotional distress, so we do not discuss them further.

Walker next disputes the district court's dismissal of his claims related to the 2023 arrearage order. He argues that the district court should not have abstained, Judge Frost is not immune from suit, and the district court wrongly dismissed his claims against the Department of Children and Families and the Dane County Child Support Agency. Because the state proceedings related to the arrearage order are now complete, we address only the district court's conclusions that Judge Frost is immune, that Walker could not sue a state agency, and that Walker failed to state a claim against the county. *See Richwine v. Matuszak*, 148 F.4th 942, 951 (7th Cir. 2025) (explaining that abstention is no longer appropriate where state proceeding has ended).

We agree with the district court that Judge Frost is immune from suit. Judges acting within their jurisdiction and in their judicial capacity are absolutely immune from suit. *Stump v. Sparkman*, 435 U.S. 349, 356 (1978). Walker insists that Judge Frost lacked authority to enter an order that violated federal law, and emphasizes that judges are not immune for actions taken in the "clear absence of all jurisdiction." *Id.* at 356–57; *see Kowalski v. Boliker*, 893 F.3d 987, 997 (7th Cir. 2018). But Judge Frost had jurisdiction over the child-support matter; whether he acted "in error" or "in excess of his authority" has no bearing on his immunity. *Stump*, 435 U.S. at 356.

Likewise, the district court correctly concluded that Walker could not sue a state agency like the Department of Children and Families, and that he failed to state a claim against the county. As for the claim against the Department of Children and Families, a state agency is not a "person" suable under § 1983. *See Will v. Michigan Dep't of State Police*, 491 U.S. 58, 64 (1989). As for the *Monell* claim against the county, Walker had to allege a constitutional violation "properly attributable to the municipality itself." *Thomas v. Neenah Joint Sch. Dist.*, 74 F.4th 521, 524 (7th Cir. 2023) (quoting *Dean v. Wexford Health Sources, Inc.*, 18 F.4th 214, 235 (7th Cir. 2021)). But he did not allege any facts plausibly suggesting that the county had an express policy or widespread practice of pursuing child-support arrears from people whose only source of income is SSI payments. And Walker's allegations about the county's actions toward him alone are insufficient to state a claim for municipal liability. *See id.* at 524–25.

Lastly, Walker argues that the district court erred when it dismissed his complaints without leave to amend. But Walker does not tell us how he would cure the defects in his complaints, so we cannot say that the district court erred in concluding that amendment would be futile. *See Circle Block Partners, LLC v. Fireman's Fund Ins. Co.*, 44 F.4th 1014, 1023 (7th Cir. 2022).

AFFIRMED