

NONPRECEDENTIAL DISPOSITION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 21, 2026
Decided August 17, 2026

Before

DIANE S. SYKES, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1966

CHESTON J. ROBERTS,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

v.

No. 1:23-cv-00828-JRS-KMB

STATE OF INDIANA, et al.,
Defendants-Appellees.

James R. Sweeney II,
Chief Judge.

ORDER

Marion County is one of three counties in Indiana (along with St. Joseph County and Lake County) in which the governor appoints judges to serve on the superior court, subject to retention elections—a method of judicial selection referred to as the “Missouri Plan.” Relying on demographic data, Cheston Roberts alleged that the selective implementation of the Missouri Plan in only these three counties violated § 2 of the Voting Rights Act and the Constitution. The district judge dismissed Roberts’s amended complaint for failure to state a claim, reasoning that the Act did not require any public officer to be elected, rather than appointed, under *Quinn v. Illinois*, 887 F.3d 322, 323–24 (7th Cir. 2018), and that Roberts had failed to develop his other constitutional theories.

The judge offered Roberts another opportunity to amend his complaint “to allege new facts tending to show actual discriminatory intent,” but Roberts did not do so and promptly appealed.

Shortly after the appeal was docketed, Roberts agreed to suspend briefing pending the outcome of a materially identical challenge to Lake County’s implementation of the Missouri Plan in *City of Hammond v. Lake County Board of Elections*, 179 F.4th 1100 (7th Cir. 2026). In *City of Hammond*, we found no reason to address the holding of *Quinn*, because the Supreme Court had recently established that evidence of disparate impact was insufficient for liability under § 2 of the Voting Rights Act. *Id.* at 1108 (citing *Louisiana v. Callais*, 146 S. Ct. 1131, 1156 (2026)). The plaintiffs had provided no evidence that the decision to implement the Missouri Plan was the product of intentional racial discrimination, and so they could not succeed on their claims. *Id.* at 1108–09. In light of this holding, the state now seeks summary affirmance in Roberts’s appeal, and Roberts opposes that request.

We agree with the state that our decision in *City of Hammond* controls here. Roberts’s amended complaint presented only a disparate-impact theory that is foreclosed by *Callais*. The district judge expressly noted that Roberts had not made “even bare allegations of racially discriminatory intent.” Although Roberts now insists that he can trace the appointment of judges in Marion County to the discriminatory influence of the Ku Klux Klan in 1925, he only alluded to this history in passing before the district court. He did not take the judge’s offer to further amend his complaint to allege intentional discrimination. Arguments that were not raised in the district court, or that were raised but “underdeveloped, conclusory, or unsupported by law” are waived on appeal. *Puffer v. Allstate Ins. Co.*, 675 F.3d 709, 718 (7th Cir. 2012). The district judge likewise recognized that although Roberts sought to raise a First Amendment theory to challenge the partisan balancing of judges on the superior court, he had not developed the theory in any detail and so it was waived.

Because Roberts preserved only his disparate-impact claim under § 2 of the Voting Rights Act, and that claim is now foreclosed by our decision in *City of Hammond*, we SUMMARILY AFFIRM the judgment of the district court.