

NONPRECEDENTIAL DISPOSITION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 March 10, 2022*

Decided March 11, 2022

Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 21-2398

ROBERT D. KEITH,
Plaintiff-Appellant,

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

v.

No. 21-cv-0446-bhl

WISCONSIN DEPARTMENT OF
WORKFORCE DEVELOPMENT, et al.,
Defendants-Appellees.

Brett H. Ludwig,
Judge.

ORDER

Robert Keith seeks to overturn several Wisconsin administrative and court orders related to his thirty years of unpaid child support. He asserts that unnamed officials of the State of Wisconsin, Milwaukee County, and several state agencies fraudulently deprived him of his custodial rights, ordered child support, and enforced

* 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).

his payment obligations through various civil and criminal actions. The district court dismissed the complaint for lack of subject-matter jurisdiction, ruling that the *Rooker-Feldman* doctrine and the domestic-relations exception barred his claims. We affirm.

Keith alleged in his complaint under 42 U.S.C. § 1983 that since 1992, Milwaukee County courts have fraudulently deprived him of his custodial rights and have therefore improperly required him to pay child support. Because Keith refused to pay, various state actors have attempted to collect the child support through other means, which Keith describes as illegal: the Division of Motor Vehicles put a lien on his car, the Department of Workforce Development garnished his wages, the Department of Revenue interfered with his unemployment compensation, and the “Wisconsin District Attorney” charged him with felony offenses that led to convictions. As relief, Keith asked the district court to reverse the original child-support judgment, end all enforcement actions, return what has been collected from him, and expunge the felonies from his record. He also sought \$10 million in damages.

The defendants moved to dismiss the case for a host of reasons. See FED. R. CIV. P. 12(b)(1), (6). They contended that Keith’s claims were barred in whole or in part by the *Rooker-Feldman* doctrine, the domestic-relations exception, the Eleventh Amendment, the statute of limitations, and the doctrines of abstention and preclusion. They argued also that certain defendants were not suable entities and that any individual prosecutor had either absolute or qualified immunity.

The district court dismissed the complaint for lack of subject-matter jurisdiction. It ruled that the *Rooker-Feldman* doctrine barred Keith’s claims because they sought to overturn state orders related to his child support. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Ct. of App. v. Feldman*, 460 U.S. 462 (1983). Moreover, because Keith challenged custody and child-support orders, the domestic-relations exception also precluded the court from adjudicating his claims. The court entered a jurisdictional dismissal and stated that “[b]ecause Keith cannot amend his complaint to bring the same or similar claims within this Court’s jurisdiction, Keith will not be given leave to file an amended complaint.”

Keith appeals, generally challenging the dismissal without addressing why his case is suitable for federal court. The district court correctly ruled that it is not. As for Keith’s claim for damages for wrongful convictions, he cannot bring this claim in federal court unless those convictions are overturned through judicial or executive action. See *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). To the extent this could occur

in the future, the dismissal of any claim that would undermine the validity of the convictions must be without prejudice. The district court did not address *Heck* or designate the dismissal as without prejudice, but because the dismissal is based on lack of subject-matter jurisdiction, it is necessarily without prejudice, and no modification of the judgment is required. *Kowalski v. Boliker*, 893 F.3d 987, 994–95 (7th Cir. 2018).

The *Rooker-Feldman* doctrine bars Keith's other claims. That doctrine prohibits "cases brought by state-court losers complaining of injuries caused by state-court judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). Keith asked the district court to reverse state-court judgments that required child support, and the other decisions—to put a lien on his car, garnish his wages, and intercept his unemployment compensation—that derive directly from those judgments. Suits based on the injuries caused by state-court judgments, such as these, are exactly what the *Rooker-Feldman* doctrine prohibits. See *id.*; *Mains v. Citibank, N.A.*, 852 F.3d 669, 675 (7th Cir. 2017). Keith contends that these orders all stem from a long-ago fraud that resulted in the child-support obligation, but there is no general fraud exception to *Rooker-Feldman*. *Iqbal v. Patel*, 780 F.3d 728, 729 (7th Cir. 2015). Further, a court could not award the damages Keith seeks without invalidating the state court judgments—something only a Wisconsin appellate court or the Supreme Court of the United States could do. *Exxon Mobil Corp.*, 544 U.S. at 284.

The alternative ground for dismissing the claims aimed at the child-support and custody decisions was also sound: the domestic-relations exception bars them. Under this doctrine, federal courts avoid deciding cases involving "divorce, alimony, and child custody decrees," *Marshall v. Marshall*, 547 U.S. 293, 308 (2006), for reasons including state courts' superior proficiency in addressing these matters. *Ankenbrandt v. Richards*, 504 U.S. 689, 703–04 (1992); *Struck v. Cook Cnty. Public Guardian*, 508 F.3d 858, 859–60 (7th Cir. 2007). Keith's challenge to the state child-support orders and his allegations of state actors' interference with his parental rights fall in the core of cases contemplated by this exception. See *Friedlander v. Friedlander*, 149 F.3d 739, 740 (7th Cir. 1998). Further, we do not limit the domestic-relations exception to cases invoking federal jurisdiction based on diversity of citizenship, so there is no impediment to applying the doctrine in this federal-question case. *Kowalski*, 893 F.3d at 995.

Because we affirm the dismissal under Rule 12(b)(1) for lack of jurisdiction, we need not address the defendants' arguments regarding other bases for dismissal.

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
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Chicago, Illinois 60604



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FINAL JUDGMENT

March 11, 2022

Before

DIANE P. WOOD, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*
CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 21-2398	ROBERT D. KEITH, Plaintiff - Appellant v. WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:21-cv-00446-BHL Eastern District of Wisconsin District Judge Brett H. Ludwig	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT D KEITH,

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

Case No. 21-cv-0446-bhl

WISCONSIN DEPARTMENT OF WORKFORCE
DEVELOPMENT, BUREAU OF CHILD SUPPORT,
WISCONSIN DEPARTMENT OF REVENUE,
WISCONSIN DEPARTMENT OF MOTOR VEHICLES,
STATE OF WISCONSIN, WISCONSIN DISTRICT ATTORNEY,
and MILWAUKEE COUNTY,

Defendants.

☐ **Jury Verdict.** This case came before the court for a trial by jury. The parties have tried the issues, and the jury has rendered its verdict.

☒ **Decision by Court.** This case came before the court and the court has rendered a decision.

PURSUANT TO THE COURT'S ORDER, the action is **DISMISSED** for lack of subject matter jurisdiction and the plaintiff shall recover nothing on the complaint.

Dated: July 16, 2021

GINA M. COLLETTI
Clerk of Court

s/ Christine B.

By Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT D KEITH,

Plaintiff,

Case No. 21-cv-0446-bhl

v.

WISCONSIN DEPARTMENT OF
WORKFORCE DEVELOPMENT, et al.,

Defendants.

ORDER

Pro se plaintiff Robert Keith filed a complaint against the Wisconsin Department of Workforce Development, the Bureau of Child Support, Wisconsin Department of Revenue, Wisconsin Department of Motor Vehicles, State of Wisconsin, Wisconsin District Attorney (collectively, “the Wisconsin Defendants”), and Milwaukee County alleging harms arising from child custody and support proceedings in Wisconsin state court. (ECF No. 1.) All Defendants have moved to dismiss Keith’s claims, and Keith has asked the Court to order the parties to mediate. (ECF Nos. 6, 11, 17.) For the reasons stated below, the Court will grant the motions to dismiss and deny Keith’s request for mediation.

As an initial matter, the legal bases for Keith’s claims are not entirely clear, but his complaint refers to various harms arising from Defendants’ alleged gender discrimination against Keith in a state-court child custody dispute. He also complains about the outcome of the child custody proceedings and alleges fraud by the Defendants in connection with those proceedings. Based on these allegations, Keith asks the Court for a variety of remedies, including: (1) the removal of a lien on his vehicle; (2) the expungement of his criminal record; (3) various forms compensation for his pain and suffering, income withholding, interceptions of unemployment benefits, other charges; and (4) \$10 million in additional damages. (ECF No. 1, at 5.)

The Wisconsin Defendants have moved to dismiss, arguing that Keith has failed to state a claim on which relief can be granted under Fed. R. Civ. P. 12(b)(6). (ECF No. 7.) They offer a

number of arguments for dismissal, contending that Keith's claims are barred in whole or in part by: (1) the 11th Amendment; (2) the applicable statute of limitations; (3) *Younger* abstention; and (4) the *Rooker-Feldman* doctrine. They also contend that claim and/or issue preclusion applies under Wisconsin law, and that the Wisconsin District Attorney¹ is not a suable entity, is subject to prosecutorial immunity, and that any individual prosecutor is subject to qualified immunity. Milwaukee County has moved to dismiss under Fed. R. Civ. P. 12(b)(1) based on the *Rooker-Feldman* doctrine. (ECF Nos. 11-12.)

Keith responded to the motions to dismiss with a copy of his complaint and a request that his right to access the courts be invoked. (ECF No. 15.) He also provides a number of materials related to his allegations, including his credit report, his vehicle's confirmation of ownership, his four state court convictions for felony failure to support, and extensive records of his weekly and monthly child support payments and balances. He does not, however, offer any legal argument or support for his claims. On May 28, 2021, Keith also filed a request for mediation. (ECF No. 17.)

Both sets of Defendants invoke the *Rooker-Feldman* doctrine, which bars federal district courts from hearing any challenge "by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); see *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). "The doctrine applies not only to claims that were actually raised before the state court, but also to claims that are inextricably intertwined with state court determinations." *Long v. Shorebank Dev. Corp.*, 182 F.3d 548, 554 (7th Cir. 1999). This Court lacks jurisdiction under *Rooker-Feldman* if "the injury alleged by the federal plaintiff resulted from the state court judgment itself." *Id.* at 555. As such, the Court must determine whether *Rooker-Feldman* applies before considering other arguments presented by the Defendants. *Jakupovic v. Curran*, 850 F.3d 898, 902 (7th Cir. 2017).

The Court must therefore examine whether Keith's claims "directly challenge a state court judgment or are inextricably intertwined with one," *id.* (internal quotations omitted), or

¹ Keith named one of the defendants as "Wisconsin District Attorney." Presumably, he meant the Milwaukee County District Attorney's Office, as noted in the state defendants' brief. The matter is immaterial to the Court's decision.

instead if the Defendants violated “some independent right of his.” *Nesses v. Shepard*, 68 F.3d 1003, 1005 (7th Cir. 1995). Keith’s legal claims are amorphous. He alleges:

The Milwaukee County Courts through the State and Child Support agency have used the Department of Workforce Development, the Department of Revenue, the State of Wisconsin, and the Department of Motor Vehicle to criminally defraud the United States Government and willfully deprive this citizen of my Constitutional rights for the sole intent of unlawful financial gain. By unlawfully depriving me of my custodial rights by gender discrimination much damage has been endured mentally, physically and financially beginning in 1992 in Milwaukee, WI and continuing currently still in Milwaukee, WI. ... The Defendants named in this case have conspired to commit fraud by and through establishment and enforcement of fraudulent child support orders four times for four children in four separate years that were created with complete disregard of evidence and fact.

(ECF No. 1, at 5.)

Keith’s first and primary claim is that the state courts of Milwaukee County generally have instigated fraud, and thus it falls squarely within *Rooker-Feldman*’s ambit. His other complaints that his custodial rights were harmed, that he was discriminated against on the basis of gender, and that he has been subjected to fraudulent child support orders, are direct results of, and indistinct from, the state court’s judgments regarding Keith’s child support obligations. None of the harms Keith complains of is an independent right or “a prior injury that the state court failed to remedy.” *Long*, 182 F.3d at 555 (quoting *Centres, Inc. v. Town of Brookfield*, 148 F.3d 699, 702 (7th Cir. 1998)). Instead, Keith’s complaint attempts to bring “a federal claim alleging injury caused by [] state court judgment[s].” *Id.* The Court lacks jurisdiction to hear these claims under *Rooker-Feldman*.

Moreover, Keith’s requests for relief are all directed towards undoing the state’s actions taken to collect child support payments. Keith first requests that this Court “remove the lien on [his] vehicle which was incurred for lack of child support payments,” because it “has caused much financial hardships.” (ECF No. 1 at 5.) Keith also asks for an expungement of his “criminal record from this invalid child support charge.” (*Id.*) Next, Keith entreats this Court to grant him a reimbursement of the \$6,843.17 taken by “the Department of Workforce Development (DWD), Milwaukee County and the Bureau of Child Support, and finally the Department of Revenue ... for income withholding, three interceptions of unemployment disbursements ... and charges labeled other.” (*Id.*) He concludes, “I’m asking to be reimbursed \$103,984.98 x 4(\$415,939.92) for moneys paid or charged from 1992-current and ten million

dollars to combat the incentive payments to states behind the Social Security Act, from each agency mentioned in the complaint.” (*Id.*)

Accordingly, this Court lacks subject matter jurisdiction to hear his claims and grant his requested relief under the *Rooker-Feldman* doctrine. Decisions by state courts, “however erroneous, [are] not ... violation[s] of the Constitution actionable in federal court.” *Homola v. McNamara*, 59 F.3d 647, 650 (7th Cir. 1995). Keith may not challenge the state court judgments or their consequences here. *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 431 (7th Cir. 2009) (“In short, the [*Rooker-Feldman*] doctrine prevents a party from effectively trying to appeal a state-court decision in a federal district or circuit court.”).

Because the jurisdictional issue is dispositive, the Court need not go beyond the *Rooker-Feldman* arguments. See *Wright v. Tackett*, 39 F.3d 155, 157 (7th Cir. 1994). However, even if *Rooker-Feldman* didn’t apply, the domestic relations exception to federal jurisdiction would bar Keith’s suit. *Marshall v. Marshall*, 547 U.S. 293, 308 (2006) (noting that the domestic relations exception applies to state court decrees on divorce, alimony, and child custody matters). The Court must therefore dismiss this case for lack of jurisdiction and will not address the state Defendants’ Rule 12(b)(6) motion to dismiss for failure to state a claim.

Although it usually is necessary “to give *pro se* litigants one opportunity to amend after dismissing a complaint[,] ... that’s unnecessary where, as here, it is certain from the face of the complaint that any amendment would be futile or otherwise unwarranted.” *Carpenter v. PNC Bank, Nat. Ass’n*, 633 Fed. Appx. 346, 348 (7th Cir. 2016) (internal citations and quotation marks omitted); see also *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009) (“District courts have broad discretion to deny leave to amend where ... the amendment would be futile.” (internal citation and quotation marks omitted)). Because Keith cannot amend his complaint to bring the same or similar claims within this Court’s jurisdiction, Keith will not be given leave to file an amended complaint. Accordingly,

IT IS HEREBY ORDERED that the motions to dismiss, ECF Nos. 6 and 11, are **GRANTED**, and the case is **DISMISSED**. Keith's request for mediation, ECF No. 17, is **DENIED** as moot.

Dated at Milwaukee, Wisconsin on July 16, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge

**Additional material
from this filing is
available in the
Clerk's Office.**