United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 11, 2021

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 20-1358

MARVIN L. MATTHEWS,
Plaintiff-Appellant,

v.

ANTONIO CHAMBERS, et al.,
Defendants-Appellees.

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

No. 1:19-cv-07519

Rebecca R. Pallmeyer,
Chief Judge.

ORDER

On consideration of plaintiff Marvin L. Matthews's petition for rehearing and rehearing en banc, filed July 26, 2021, no judge in active service has requested a vote on the petition for rehearing en banc, and all judges on the original panel have voted to deny the petition for rehearing.*

Accordingly, the petition for rehearing and rehearing en banc filed by plaintiff Marvin L. Matthews is **DENIED**.

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* Circuit Judge Candace Jackson-Akiwumi did not participate in the consideration of this petition for rehearing en banc.

Exhibit A

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted May 24, 2021*
Decided May 24, 2021

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 20-1358

MARVIN L. MATTHEWS,
Plaintiff-Appellant,

v.

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ORDER

Marvin Matthews, an Illinois citizen, sued an Illinois agency and two state officials in state court for collecting the same child-support obligation twice. Dissatisfied with the state-court proceedings, Matthews also sued them in federal district court, which dismissed the suit for lack of jurisdiction. Because Matthews does not allege a

* 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).

substantial federal question, the district court correctly dismissed the suit, and we affirm.

According to Matthews, the defendants "fraudulent[ly]" subjected him to the "duplication of withholding of child support payments." In 2017, he says, a case manager at the Illinois Department of Health Care and Family Services and an assistant attorney general imposed a lien on his bank account for uncollected child-support payments. But, Matthews continues, the Department and these state employees had already compelled his former employer to withhold the same support payments from his wages. The case manager and attorney "duplicat[ed]" the "withholding of child support payments" in a "discriminatory manner." He sought to resolve the problem in state court, where the status of those proceedings is unclear.

Matthews then turned to federal court, where the case was dismissed. He initially raised three claims. Two were against the state officials in their personal capacities—one purportedly under 42 U.S.C. § 1983 for violating his right to equal protection (by duplicative withholding "based upon" his race) and another for violating the Illinois Constitution. The third claim, against the Department, alleged a violation of Illinois law. At a hearing, the district judge asked Matthews to clarify his allegations. Reading from his complaint, the judge asked him if he faced "discrimination," and in response he explained that he bases his federal suit on dissatisfaction with the pace of the state court in correcting his alleged double payments. In later dismissing the suit, the district court ruled that, "[a]lthough he has characterized this case as a claim of race discrimination, Mr. Matthews made clear in court that his real challenge is to errors made by an agency of the State of Illinois." The court ruled that his remedy for the perceived sluggishness of the state trial court lies in the state appellate court with a petition for a writ of mandamus, rather than an invocation of federal jurisdiction. In response to Matthews's motion for reconsideration, the court added that it lacked jurisdiction based on the *Rooker-Feldman* doctrine. *See D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413 (1923).

On appeal, Matthews challenges the application of *Rooker-Feldman*, and the defendants correctly concede that the reliance on *Rooker-Feldman* was misplaced. This doctrine is "confined to . . . cases brought by state-court losers . . . inviting district court review and rejection of [state-court] judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *see Sykes v. Cook Cnty. Circuit Ct. Prob. Div.*, 837 F.3d 736, 741 (7th Cir. 2016). Matthews does not ask us to reject the original decision to institute child-support payments or any adverse ruling in his state-court suit contesting the

duplicative withholding. To the contrary, he told the district court that he filed this suit because, in his view, the state court had not yet ruled.

Nonetheless, dismissal for lack of jurisdiction was proper. The parties are not of diverse citizenship, and the only possible federal question is a § 1983 claim—against the two state employees in their personal capacity—based on race discrimination. But no substantial race claim is present. In the district court, Matthews clarified that his real complaint is that the state court has been slow to resolve his charges of double billing. The district court rightly dismissed the suit against the two officers because, "in the absence of diversity of citizenship, it is essential to jurisdiction that a substantial federal question should be presented." *Hagans v. Lavine*, 415 U.S. 528, 537 (1974) (quoting *Ex parte Poresky*, 290 U.S. 30, 31–32 (1933)). Without a substantial question about race discrimination against the two officers, the case presents no federal question, just a question of "fraudulent" double billing, a state-law matter.

Matthews responds that the district court erred by inquiring into the nature of his suit and the query unfairly surprised him. But a court can and should question jurisdiction, and it may dismiss a suit for lack of jurisdiction if, as here, the plaintiff is heard beforehand. *Evergreen Square of Cudahy v. Wis. Hous. & Econ. Dev. Auth.*, 776 F.3d 463, 465 (7th Cir. 2015). True, we have prohibited district judges from using off-the-record, ex parte, telephonic discussions with pro se litigants to extract evidentiary concessions. *See Henderson v. Wilcoxen*, 802 F.3d 930, 931 (7th Cir. 2015). But the district court's discussion was on the record (which we have reviewed), in person, and not ex parte, and it merely sought clarification of his complaint, not evidence, a practice that we permit when screening pro se detainee complaints. *See id.* at 932. We see no reason to prohibit a similar practice here, so Matthews cannot argue unfair surprise.

With the federal claim gone, the district court rightly dismissed the suit. Matthews does not insist that any potential amendments to his complaint would have saved it, so leave to amend was not necessary. *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009). And the district court properly dismissed the remaining claims because Matthews based them on state law. Once a district court has dismissed federal claims on the pleadings, it properly relinquishes supplemental jurisdiction over any remaining state-law claims. *Sharp Elecs. Corp. v. Metro. Life Ins.*, 578 F.3d 505, 514 (7th Cir. 2009).

This resolution obviates any need to explore the defendants' invocation of other defenses, such as the domestic-relations exception to federal jurisdiction. Also, we have considered Matthews's other arguments, but none warrants further discussion.

AFFIRMED