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No. 21-5489

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

FILED  
Mar 14, 2022  
DEBORAH S. HUNT, Clerk

M. STEPHEN MINIX, SR.,

)

Plaintiff-Appellant,

)

v.

)

CHARITY STONE, ET AL.,

)

Defendant-Appellees.

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ORDER

**BEFORE:** GUY, SUHRHEINRICH, and MOORE, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

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**NOT RECOMMENDED FOR PUBLICATION**

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UNITED STATES COURT OF APPEALS  
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M. STEPHEN MINIX, SR.,

Plaintiff-Appellant,

V.

CHARITY STONE, et al.,

### Defendants-Appellees.

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ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
KENTUCKY

DEBORAH S. HUNT, Clerk

FILED  
Feb 07 2022

Feb 07, 2022

## ORDER

Before: GUY, SUHRHEINRICH, and MOORE, Circuit Judges.

M. Stephen Minix, Sr., a pro se Kentucky resident, appeals a district court judgment dismissing his civil rights complaint. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See Fed. R. App. P. 34(a).*

This action finds its roots in 2009, when defendant Charity Stone filed a lawsuit in state court (the State Court Action), alleging that Minix, a former optician, committed battery against her during an eye examination. Minix filed an answer and counterclaim to Stone's complaint but thereafter did not respond to any of Stone's various motions, including her motion for default judgment. Stone attempted to mail her motions to Minix at the address he provided to the court in his answer, but they were returned as undeliverable. As a result, the state court struck Minix's counterclaim and granted default judgment against Minix in 2013 in the amount of \$40,000.

Over four years later, Minix filed a motion to void the default judgment, arguing that Stone did not properly notify him of her motions and that, because these pleadings were returned to her by the postal service, she had reason to know that he did not receive them. The trial court denied the motion, and the Kentucky Court of Appeals affirmed, concluding that Stone made a good faith

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effort to serve Minix and that Minix did not get actual notice because he provided an incorrect address and took no action to correct it. The Kentucky Supreme Court affirmed.

While his appeal was pending, Minix filed for bankruptcy. Minix also filed a lawsuit in the district court, challenging the manner in which the State Court Action was adjudicated. The district court dismissed Minix's complaint without prejudice because, among other reasons, his claims were not ripe in view of his then-pending appeal in the State Court Action and were barred by the *Rooker-Feldman* doctrine.<sup>1</sup>

After the conclusion of the State Court Action, Minix filed this complaint in 2020 against Stone; the presiding trial court judge, John David Caudill; and various other participants in the State Court Action. Minix alleges that the defendants violated his right to due process and various other rights under the Constitution and state law.

A magistrate judge recommended that the defendants' motions to dismiss be granted based on judicial immunity and the *Rooker-Feldman* doctrine. The district court agreed and dismissed Minix's complaint accordingly. Minix appealed.

#### Judicial Immunity

Minix challenges the dismissal of his claims against Caudill, who he asserts denied him his right to be heard, acquiesced to the defendants' fraud, and failed to perform his judicial duties.

We review de novo a district court's dismissal of a complaint under the doctrine of judicial immunity. *See Leech v. DeWeese*, 689 F.3d 538, 542 (6th Cir. 2012); *see also Meitzner v. Young*, No. 16-1479, 2016 WL 11588383, at \*2 (6th Cir. Oct. 25, 2016).

Judges are absolutely immune from suit "for their 'judicial acts,' unless performed 'in the clear absence of all jurisdiction.'" *Alexander v. Rosen*, 804 F.3d 1203, 1208 (6th Cir. 2015) (quoting *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978)).

Here, Caudill struck Minix's counterclaim and entered default judgment against him after he failed to respond to Stone's motions, apparently due to Minix's failure to provide the court with a valid address. Caudill also did not rule on a motion that Stone had filed to strike and to show

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<sup>1</sup>*D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923).

cause; instead, because Minix failed to respond to this motion (or any others), Caudill entered default judgment against Minix. All of these acts or omissions were performed in Caudill's judicial capacity and within his jurisdiction in the trial court; thus, the district court correctly concluded that Caudill is entitled to judicial immunity. *See Brookings v. Clunk*, 389 F.3d 614, 618 (6th Cir. 2004) (noting that acts "normally performed by a judge" include acts that "resolve[] disputes" or "adjudicate[] private rights").

Rooker-Feldman

Minix raises a host of federal constitutional and state law claims against all defendants based on the State Court Action, citing, for example, the failure to serve him court filings, "arbitrary" rulings, and alleged fraud upon the court.

We review de novo a district court's application of the *Rooker-Feldman* doctrine. *Hall v. Callahan*, 727 F.3d 450, 453 (6th Cir. 2013). This doctrine prohibits district courts from deciding "cases brought 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." *Larry E. Parrish, P.C. v. Bennett*, 989 F.3d 452, 455 (6th Cir. 2021) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)). To determine whether *Rooker-Feldman* applies, we look to the source of the plaintiff's alleged injury; if that source "is the state-court judgment itself, then *Rooker-Feldman* applies." *Id.* at 456 (citation omitted).

Here, the sole source of Minix's alleged injuries are the state-court judgments—namely, the trial court's striking of Minix's counterclaim and grant of default judgment against Minix, the trial court's denial of Minix's motion to void the default judgment, and the state appellate courts' judgments affirming the latter. Minix seeks to (1) void the foregoing state-court judgments, (2) reinstate the counterclaim that the trial court struck, (3) enjoin the defendants from enforcing the state-court judgments, and (4) recover damages based on the allegedly erroneous state-court judgments. There is no other alleged source of injury, such as a third party's actions, that would qualify as an independent claim sufficient to overcome the *Rooker-Feldman* bar. *Cf. McCormick v. Braverman*, 451 F.3d 382, 393 (6th Cir. 2006).

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One final note regarding Minix's fraud allegations. It is true that, when the source of an alleged injury is something other than the adverse state-court judgment, such as fraud in procuring the state-court judgment, the plaintiff's claim is not barred by the *Rooker-Feldman* doctrine. See *id.* at 392-93. But here, Minix's fraud claims have already been rejected by the state courts, and he cannot circumvent the restraints of *Rooker-Feldman* by raising fraud claims that were raised and rejected in the state-court proceedings. See *Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 860 (9th Cir. 2008) (holding that the *Rooker-Feldman* doctrine barred review of a claim of extrinsic fraud because that claim "was *itself* separately litigated before and rejected by" the state court).

Accordingly, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk