

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT



Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

June 28, 2023

By the Court:

	CLARENCE B. JACKSON, Plaintiff - Appellant
No. 23-1485	v.
	MARK GOODWIN, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:23-cv-02007-CSB-EIL	
Central District of Illinois	
District Judge Colin S. Bruce	

This cause, docketed on March 14, 2023, is **DISMISSED** for failure to timely pay the required docketing fee, pursuant to Circuit Rule 3(b).

form name: c7_FinalOrderWMandate (form ID: 137)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

CLARENCE JACKSON,)
v.)
Plaintiff,)
v.) Case No. 23-CV-2007
MARK GOODWIN, FIRST FINANCIAL)
BANK, and DAVIS AND DELANOIS)
LAW FIRM,)
Defendants.)

ORDER

On January 10, 2023, Plaintiff, Clarence Jackson, submitted a pro se Complaint (#1) to this court, along with a Motion for Leave to Proceed In Forma Pauperis (#2), naming as Defendants Vermilion County Associate Judge Mark Goodwin, First Financial Bank of Danville, and the Danville law firm Davis and Delanois, and citing violations of 18 U.S.C. § 371, 42 U.S.C. § 1983, and the Fourteenth Amendment to the United States Constitution and acts of racial discrimination and conspiracy to murder.

On January 17, 2023, this court entered an Order (#3) dismissing the Complaint without prejudice. The court found that the Complaint was unintelligible, and directed Plaintiff to file an amended complaint within 21 days that stated his claim with clarity, identifying what exactly each Defendant was alleged to have done and how those actions violated federal law or the U.S. Constitution, such that each Defendant received fair notice as to the claims against them.

Plaintiff filed his Amended Complaint (#5) on February 6, 2023. Plaintiff has also filed a Supplement (#7) to that Amended Complaint. Plaintiff names the same Defendants: Judge Mark Goodwin, First Financial Bank, and Davis and Delanois Law Firm. For federal jurisdiction, Plaintiff cites 42 U.S.C. § 1983 because Defendant Goodwin is a judge operating in his official capacity under the color of law, the Fourteenth Amendment to the U.S. Constitution as Goodwin was acting in his official capacity when he refused to honor Plaintiff's access to probate, and 18 U.S.C. § 371, against all Defendants for defrauding or otherwise obstructing the operation of the government.

In the "Background to the Case" section, Plaintiff states that he has had several family members appear "to be victims of this murder to obtain the Estate tactic[.]" Pertinent to his Amended Complaint, Plaintiff cites the death of his brother, Hile Jackson, Jr., who lived at the Veteran's Administration ("VA") facility in Danville, and died on November 1, 2020, allegedly from COVID-19. Plaintiff also cites to the deaths of his aunt, Gertrude Flag, in 1990 and his cousin, John Elliot Jackson, as other examples of this "tactic," who died under mysterious circumstances at nursing homes.

Plaintiff received a power of attorney over his brother Hile in 2013 so he could care for Hile if he needed a guardianship, and so Hile did not have to spend his last days in a nursing home. Hile was a resident of the VA nursing home in Danville, from 2017 until his death in 2020. Defendant First Financial Bank of Danville ("First Financial") became Hile's guardian "out of nowhere" in 2013, making First Financial the

bank holding Hile's funds and the only entity that could authorize spending of his funds. Plaintiff alleges First Financial also kept Hile from seeing any of his brothers, including Plaintiff. First Financial's legal work was all done by Defendant Davis and Delanois Law Firm ("Davis"). First Financial had Chicago resident Matthew Myrick appointed Hile's guardian, and while Myrick was Hile's guardian he did not let Hile's brothers see him, which "made the murder easier and the theft of the Estate more complete."

Hile died, allegedly from COVID-19, on November 3, 2020, at the same time another six residents of the nursing home also died. "It's believed that all of these other six had at some point, some connection with the First Financial Bank and the Davis and Delanois Law Firm." Plaintiff sent a letter and copy of Hile's last will and testament to Larry Hopson, who he believed to be Hile's heir, on November 4 and 9, 2020. The same letter and will were sent to First Financial. Neither Hopson nor First Financial ever informed the state probate court of the letter or will. They then moved to act as legal participants in the probate case.

Plaintiff filed a petition with the probate court on December 2, 2020, and the court eventually issued him letters of office granting him executor status, but when he attempted to collect Hile's Estate to perform those duties, First Financial quickly filed a motion to dismiss Plaintiff's probate case. Defendant Goodwin, the judge in the probate case, "completely refused to enforce[] any of Plaintiff's rights as a heir to Hile's Estate, duties as an executor, and dismissed Plaintiff's probate petition on February 23,

2021." Plaintiff alleges that First Financial's conduct with regard to the probate case, despite "having no status in this probate matter whatsoever is easily an invasion of privacy and battery (filing papers in Plaintiff's case) or intentional torts."

Plaintiff appealed Goodwin's rulings to the appellate court, which remanded for certain motions to be ruled on, but Goodwin has yet to rule on those motions. On January 3, 2023, Plaintiff sent Goodwin a letter indicating he would file suit in federal court if the proper action to Plaintiff's "satisfaction" did not happen. Plaintiff filed suit in this court on January 10, 2023. Plaintiff filed a Chapter 13 bankruptcy petition on June 3, 2021.

Count I of Plaintiff's Amended Complaint is a racial discrimination claim against Defendants. Plaintiff alleges that "98% of this country (USA) wealth and 98% of the courts and Judges are Caucasians" and that this was "the driving force behind what Caucasians do to Blacks when the Black person opponent(s) are Caucasian in a courtroom setting, then let Blacks have a choice of the color of the judge and/or jury when their opponent is Caucasian[.]" Plaintiff alleges that is the "main reason why Judge Mark Goodwin failed to stop the fraud against the court by [First Financial and Davis] when they did not inform the court that there is a will" and that Plaintiff was the heir of Hile. Plaintiff accuses Goodwin of allowing First Financial and Davis to commit intentional torts against Plaintiff's probate case by filing a motion to dismiss, "which equates to invasion of privacy and battery to Plaintiff's probate case."

Because Goodwin was "always acting under color of law when he failed to perform his duties as described above," Plaintiff contends the failure violates 42 U.S.C. § 1983 and denies him his constitutional rights to file in probate court and receive lawful rulings when appropriate, which would include damages "when such conduct by the Defendants support a conspiracy to undermine the probate process and perhaps murder and rob Blacks of their rights and inheritance." These denials by Goodwin also violate Plaintiff's Fourteenth Amendment rights, in that Plaintiff was denied access to the probate process without fraud or other types of interference. Plaintiff alleges this all happened because he is a Black man.

Count II alleges that the Chapter 13 bankruptcy debtors were compromised by Defendants, in that Goodwin allowed the case to be defrauded by First Financial and Davis by their not informing the court that Plaintiff had Hile's will. Plaintiff alleges Defendants "proceeded to act as an heir in Plaintiff's probate case by filing a 'Motion to Dismiss' without any heirship standing causing an intentional tort damage of a[n] invasion of privacy and a battery against Plaintiff's probate case which ultimately deni[ed] Plaintiff his inheritance, which in turn denied his Chapter 13 creditors of whatever distribution by Bankruptcy Law and Rules they were entitled."

Plaintiff cites as the basis for his claim 18 U.S.C. § 371, a federal criminal law, which "makes all defendants that violate it reachable, which means that Judge Mark Goodwin, the Bank and the Davis Law Firm are all available to be sued under this statute when there is a violation." Plaintiff alleges this a conspiracy to defraud the court

first and then the government was defrauded by denying and defrauding the Chapter 13 creditors of "what they had coming pursuant to a Bankruptcy Court Judge order."

Plaintiff's Supplemental (#7) consists of his state court filings as well as court orders from the state court.

An indigent plaintiff in a civil rights action may apply to proceed without prepayment of fees under 28 U.S.C. § 1915(a). See *Hyre v. Univ. of Ill.*, 17 F.Supp.2d 813, 814 (C.D. Ill. 1998). Under 28 U.S.C. § 1915(e)(2)(B), however, the complaint must be screened by the court and dismissed if it is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. *Bern v. Olsen*, 2010 WL 3910227, at *1 (W.D. Wis. Oct. 4, 2010); see also *Hyre*, 17 F.Supp.2d at 814. An action is frivolous if it "lacks an arguable basis either in law or in fact." See *Denton v. Hernandez*, 504 U.S. 25, 31 (1992), quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A claim is also frivolous when no reasonable person could suppose it to have any merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000); *Hofelich v. United States*, 2006 WL 3841812, at *2 (S.D. Ill. Dec. 12, 2006).

Plaintiff's Amended Complaint must be dismissed for a myriad of reasons. First, Count II of Plaintiff's claim must be dismissed because he cannot state a cause of action under 18 U.S.C. § 371. There is no private right of action under federal criminal statutes. *Pearson v. DeVries*, 2020 WL 1915281, at *2 (S.D. Ill. Apr. 20, 2020). Thus, Plaintiff is precluded from bringing any claims under 18 U.S.C. § 371. *Pearson*, 2020 WL

1915281, at *2, citing *Rockefeller v. U.S. Court of Appeals Office, for Tenth Circuit Judges*, 248 F.Supp.2d 17, 23 (D.D.C. 2003) (plaintiff was precluded from asserting any claims pursuant to 18 U.S.C. § 371 because, as a criminal statute, it does not convey a private right of action); *Prock v. Christian*, 2016 WL 1627749, at *3 (S.D. Ind. Apr. 22, 2016) (quoting *Israel Aircraft Industries Ltd., v. Sanwa Business Credit Corporation*, 16 F.3d 198, 200 (7th Cir. 1994)) (“Express provisions for criminal prosecution and administrative enforcement ... without a corresponding provision for private enforcement, generally establish that private enforcement is inappropriate.”). Thus, Plaintiffs’ claim under 18 U.S.C. § 371 must be dismissed.

Second, the large bulk of Plaintiff’s federal claims are against Defendant Judge Goodwin in his official capacity. “The doctrine of judicial immunity has been embraced for centuries[,]” and it “confers complete immunity from suit, not just a mere defense to liability, and is applicable in suits under section 1983 because the legislative record [gave] no clear indication that Congress meant to abolish wholesale all common-law immunities.” *Dawson v. Newman*, 419 F.3d 656, 660 (7th Cir. 2005) (internal quotations omitted). “When a functional analysis of the responsibilities at issue reveals that they are judicial in nature, the actor is entitled to absolute immunity from damages no matter how erroneous the act or injurious the consequences[,]” but “[i]f the functions are not judicial in nature, however, then absolute immunity is not available.” *Brunson v. Murray*, 843 F.3d 698, 710 (7th Cir. 2016).

Here, all of Goodwin's alleged actions are clearly judicial in nature. They all pertain to the probate case and concern rulings he has or has not made. All the allegations in Plaintiff's Amended Complaint relate to actions taken in Goodwin's capacity as a probate court judge. Goodwin is entitled to absolute judicial immunity, and all claims against him must be dismissed.

Moreover, the court would note that, despite the court's instructions in the prior Order, Plaintiff has not stated in any way how any of the Defendants discriminated against him. Plaintiff claims, essentially, that the mere fact that he is Black and Defendants are Caucasian (to the extent First Financial can be assigned a racial characteristic), demonstrates that any unfavorable actions taken against him in the state court probate case is evidence of racial discrimination. See Order (#3), at p. 3, citing *Smith v. Goodwin*, 848 F. App'x 219 (7th Cir. May 25, 2021) ("Nor does Plaintiff explain how the court racially discriminated against him or the basis for his belief that he was discriminated against, outside of denying him access to the probate process and allowing other Defendants to defraud him."). But there is no allegation of any actual racial animus on the part of Defendants, and Plaintiff's Amended Complaint thus suffers from a similar deficiency as his original Complaint.

Plaintiff's claims amount to a complaint, in federal court, that he is unhappy with the outcome or ongoing process of state court litigation, but such a complaint is not cognizable in federal court. Plaintiff's claims would violate either (1) the *Younger*¹

¹*Younger v. Harris*, 401 U.S. 37 (1971).

abstention doctrine, which is the principle that federal courts should abstain from interfering with ongoing state judicial proceedings that are judicial in nature, involve important state interests, provide an adequate opportunity to raise federal claims, and do not contain special circumstances that would make abstention inappropriate, or (2) the *Rooker-Feldman*² doctrine, which prevents lower federal courts from exercising jurisdiction over cases challenging adverse state court judgments rendered before the district court proceedings commenced. *Sykes v. Cook County Circuit Court Probate Division*, 837 F.3d 736, 740-41 (7th Cir. 2016).

Finally, there is the fantastical nature of the basis of Plaintiff's claims in and of themselves. Plaintiff alleges that Defendants engaged in a racist conspiracy to murder Hile, and perhaps other family members of his who were in nursing homes, in order to commit fraud and seize Hile's Estate and keep the proceeds for themselves. "In evaluating whether a complaint is frivolous for purposes of the in forma pauperis statute, the Court need not 'accept without question the truth of the plaintiff's allegations.'" *Suess v. C.I.A.*, 2013 WL 3873179, at *2 (N.D. Ind. July 24, 2013), quoting *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). Rather, "the statute 'accords judges not only the authority to dismiss a claim based on an undisputedly meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless[,]'" "includ[ing]

²*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

allegations that are 'fantastic' or 'delusional.'" *Suess*, 2013 WL 3873179, at *2, quoting *Neitzke*, 490 U.S. at 325, 328.

Upon review, the court concludes that Plaintiff's allegations are implausible and fantastical. Accordingly, in addition to absolute judicial immunity barring claims against Goodwin and § 371 providing no private right of action, the Amended Complaint will be dismissed as frivolous. See *Suess*, 2013 WL 3873179, at *2, citing *Neitzke*, 490 U.S. at 325; *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773 (7th Cir. 2002) (affirming dismissal of complaint as frivolous where the plaintiff alleged that over a span of three years, multiple guards at three different prisons left his cell door unlocked at night while he was sleeping so that other inmates could come in his cell and assault him); *Schottler v. Wisconsin*, 388 F. App'x 547 (7th Cir. July 28, 2010) (affirming dismissal of complaint as frivolous, where plaintiff alleged that someone had inserted a metal pin in his head and various state officials and police officers had purposely ignored his pleas for help); *Lawrence v. Interstate Brands*, 278 F. App'x 681, 684 (7th Cir. May 22, 2008) ("Lawrence's allegations—that the Illinois legal system is controlled by the Ku Klux Klan and that a vast network composed of lawyers, judges, and his former employers have conspired over the past 20 years to deny him equal protection of the laws, harass him on the basis of his race, and defraud him—are frivolous under this standard.").

"The court is mindful of the Seventh Circuit's concern that when a complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2), if there is no opportunity to amend 'an IFP applicant's case could be tossed out of court without giving the applicant any timely

notice or opportunity to be heard to clarify, contest, or simply request leave to amend,' which negatively impacts 'fair access to the courts.'" *Suess*, 2013 WL 3873179, at *2, quoting *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1022 (7th Cir. 2013).

Here, however, the court has already provided Plaintiff an opportunity to amend his Complaint to clarify his claims. There is no reason to believe that the frivolous factual allegations could be remedied through more specific pleading; they are inherently frivolous, and, accordingly, the Amended Complaint is dismissed with prejudice and without leave to amend. See, e.g. *Suess*, 2013 WL 3873179, at *2, citing *Denton*, 504 U.S. at 34 (recognizing that where it appears that frivolous factual allegations could be remedied through more specific pleadings, a court of appeals should consider whether the district court abused its discretion by dismissing the complaint with prejudice or without leave to amend); *Mathis v. N.Y. Life Ins. Co.*, 133 F.3d 546, 548 (7th Cir. 1998) (stating that *Denton* recognized that dismissals under materially identical predecessor to § 1915(e)(2)(B) on grounds of frivolousness could be with prejudice); *Holland v. City of Gary*, 503 F. App'x 476, 477-78 (7th Cir. Feb. 8, 2013) (finding that the district court did not abuse its discretion in concluding through a screening of the plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B) that the plaintiff's fantastic and delusional allegations lacked any arguable basis in fact and that an amendment would be futile).

IT IS THEREFORE ORDERED:

- (1) Plaintiff's Motion to Proceed In Forma Pauperis (#2) is DENIED, and Plaintiff's Amended Complaint (#5) is DISMISSED with prejudice.
- (2) This case is terminated.

ENTERED this 21st day of February, 2023.

s/ COLIN S. BRUCE
U.S. DISTRICT JUDGE

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