

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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



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November 15, 2024

By the Court:

Nos. 24-2509, 24-2521, 24-2522, 24-2523, 24-2524, 24-2525, 24-2526, 24-2527, 24-2528, 24-2529, 24-2530, 24-2531, 24-2532, 24-2533, 24-2534, 24-2535, 24-2536, 24-2537, & 24-2538	JUSTIN JUAN DE LA CRUZ MARTINEZ, Plaintiff - Appellant v. SUPERIOR COURT OF PENNSYLVANIA, Defendant - Appellee
No. 24-2520	JUSTIN JUAN DE LA CRUZ MARTINEZ, Plaintiff - Appellant v. KATHERINE B. EMERY, Defendant - Appellee
Originating Case Information: District Court Nos: : 3:24-cv-50250, 3:24-cv-50251, 3:24-cv-50252, 3:24-cv-50253, 3:24-cv-50254, 3:24-cv-50255, 3:24-cv-50256, 3:24-cv-50257, 3:24-cv-50258, 3:24-cv-50259, 3:24-cv-50260, 3:24-cv-50261, 3:24-cv-50262, 3:24-cv-50263, 3:24-cv-50264, 3:24-cv-50265, 3:24-cv-50266, 3:24-cv-50267, 3:24-cv-50268, & 3:24-cv-50269 Northern District of Illinois, Western Division District Judge Iain D. Johnston	

This cause, docketed on August 29, 2024, is **DISMISSED** for failure to timely pay the required docketing fee, pursuant to Circuit Rule 3(b).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

JUSTIN JUAN DE LA CRUZ MARTINEZ, *et al.*,)
Plaintiffs,)
) No. 24 CV 50250
v.) Judge Iain D. Johnston
)
SUPERIOR COURT OF PENNSYLVANIA,)
Defendant.)

ORDER

Before the Court is plaintiff Justin Juan De La Cruz Martinez' motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. Dkt. 3. Under § 1915(e)(2), the Court must screen the *pro se* complaint and dismiss any part that fails to state a claim on which relief may be granted. Because Mr. De La Cruz Martinez is proceeding *pro se*, the Court will liberally construe his allegations. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

This complaint is one of twenty filed on the same day, and follows six others filed within the past month. In this case, Mr. De La Cruz Martinez is joined by four other plaintiffs, which appear to be members of his family, in suing a state court in Pennsylvania for harassing them by sending invoices for filing fees Mr. De La Cruz Martinez allegedly incurred there, even though he alleges that he was allowed to proceed *in forma pauperis*.

As the Court pointed out in order dismissing some of his earlier cases, despite couching his allegations in terms of civil rights, in essence Mr. De La Cruz Martinez is taking issue with rulings issued by a state court. The *Rooker-Feldman* doctrine prevents district courts from exercising jurisdiction over cases that are essentially appeals from state court orders. *See Lennon v. City of Carmel, Inc.*, 865 F.3d 503, 506 (7th Cir. 2017). In addition, it is doubtful that the Superior Court of Pennsylvania is a suable entity. *See Jenkins v. Fayette County Circuit Court*, No. 3:21 CV 434, 2022 U.S. Dist. LEXIS 29205, *5 (S. D. Ill. Feb. 15, 2022); *Ankh-El v. Marion County Superior Court*, No. 18 CV 3453, 2019 U.S. Dist. LEXIS 236571, *5 (S.D. Ind. July 17, 2019); *Newsome v. Circuit Court of Cook County*, No. 88 CV 10493, 1989 U.S. Dist. LEXIS 1713, *2 (N.D. Ill. Feb. 21, 1989). But even if it were, or its clerk of court was a proper substitute, the complaint alleges conduct centered in Pennsylvania, and suggests no plausible no basis for exercising personal jurisdiction in Illinois. *See Burmaster v. Herman*, 737 Fed. Appx. 790, 791 (7th Cir. 2018) (when screening under § 1915(e)(2), a court must dismiss a case for lack of personal jurisdiction where the record shows a lack of jurisdiction over the defendant).

Because the *Rooker-Feldman* doctrine prohibits him from proceeding with what is essentially an appeal of orders and related communications from a state court in Pennsylvania, because his allegations show no basis of personal jurisdiction, this case is dismissed without prejudice. Although a *pro se* litigant is often afforded a chance to file an amended complaint to attempt to cure defects, no amendment consistent with the allegations of the original complaint

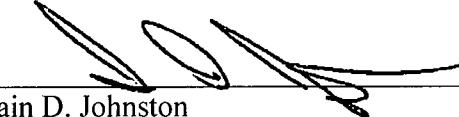
could allow this Court to exercise jurisdiction over his appeal of state court actions or over a defendant over whom it has no personal jurisdiction. *See Bogie v. Rosenberg*, 705 F.3d 603, 608 (7th Cir. 2013).

On June 11, 2024, when this Court dismissed another of Mr. De La Cruz Martinez' cases, 24 CV 50223, it warned him that continuing to file frivolous suits in which the Court lacks jurisdiction over the case and/or the defendant could result in sanctions. Despite that warning, he has continued to deluge this Court with even more cases, each of which is frivolous for reasons the Court explained when dismissing his earlier cases. As a result, the clerk is directed to forward of copy of this order to the Executive Committee.

Finally, the motions for leave to proceed *in forma pauperis* [3] and for counsel [4] are denied as moot. Civil case terminated.

Date: June 27, 2024

By:


Iain D. Johnston
United States District Judge

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