

NONPRECEDENTIAL DISPOSITION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 5, 2025*

Decided March 6, 2025

BeforeMICHAEL B. BRENNAN, *Circuit Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 24-1824

CLARENCE JACKSON,
*Plaintiff-Appellant,**v.*STATE OF ILLINOIS and ILLINOIS
DEPARTMENT OF HUMAN SERVICES,
*Defendants-Appellees.*Appeal from the United States District
Court for the Central District of Illinois.

No. 2:20-cv-02081-CSB-EIL

Colin S. Bruce,
*Judge.***ORDER**

Clarence Jackson appeals the denial of his second post-judgment motion, which we construe under Federal Rule of Civil Procedure 60(b), to reinstate his case against the State of Illinois and the Illinois Department of Human Services. In his complaint, he contends that, under 42 U.S.C. § 1983 and state law, the Department should reimburse

* 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).

him for certain transportation services. The district court dismissed the suit for failure to state a claim under § 1983 and lack of jurisdiction over the state-law claim. Because Jackson did not provide an adequate reason to reinstate the dismissed case, the district court properly denied the post-judgment motion, and we affirm.

This suit arose after Jackson, who has limited walking ability, sought vocational rehabilitation services from the Department in 2018. Specifically, he asked the Department for help with his job search by paying for travel to Washington, D.C., and repairs to his car. The Department gave him only a local bus pass. In response, Jackson sued, alleging that the Department denied his request because he had previously sued the State and because he is a black man. Such retaliation, he contended, violated his rights under the Fourteenth Amendment, *see* 42 U.S.C. § 1983, and state law. The district court granted the Department's motion to dismiss the suit. First, it correctly ruled that the State and the Department are not suable under § 1983. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 64 (1989). Second, it dismissed his state-law claim without prejudice for lack of subject matter jurisdiction because Jackson did not allege diversity of citizenship. *See* 28 U.S.C. § 1332.

Jackson twice moved to reinstate the suit, to no avail. In his first motion, filed two weeks after dismissal, he asserted that his suit prompted the City of Decatur, Illinois, to offer free bus rides during the COVID-19 pandemic, entitling him to pay from the Department for helping the public. The district court denied his motion a week later, explaining that it did not identify any legal errors in its ruling. Six weeks after the dismissal, Jackson filed his second motion. He repeated that he should be compensated for prompting Decatur to provide free bus rides and argued that "whatever jurisdiction was in effect" while his suit was pending provided subject matter jurisdiction over his request for pay. The district court declined to reinstate the case.

Jackson timely appealed the denial of his second motion. Because he filed this appeal more than 28 days after the denial of his first post-judgment motion, we limited this appeal to a review of the denial of that second motion. *See* FED. R. APP. P. 4(a)(1)(A), (a)(4). We construe that motion under Federal Rule of Civil Procedure 60(b) because when a post-judgment motion, like Jackson's second motion, is filed more than 30 days after judgment, only Rule 60(b) can provide relief. *See Banks v. Chi. Bd. of Educ.*, 750 F.3d 663, 666 (7th Cir. 2014). We review the denial of a Rule 60(b) motion for abuse of discretion. *See Word Seed Church v. Vill. of Homewood*, 43 F.4th 688, 690 (7th Cir. 2022).

The district court reasonably denied Jackson's second motion. A judgment may be set aside under Rule 60(b) for several reasons, such as "mistake," "newly discovered

evidence,” “fraud,” or “any other reason that justifies relief.” FED. R. CIV. P. 60(b)(1)–(3), (6). Jackson points to no particular factor listed in Rule 60(b). Instead, he appears to argue only that the district court had jurisdiction over the state-law claim. But he could have asserted a basis for jurisdiction over that claim (and Rule 8(a)(1) of the Federal Rules of Civil Procedure obligated him to do so) before dismissal. Because he did not, Rule 60(b) relief was not warranted. *See Word Seed Church*, 43 F.4th at 691 (“[A] motion to reconsider is not the proper vehicle to raise new arguments that could and should have been raised prior to judgment.”). In any case, Jackson does not now offer a valid basis for an assertion of federal jurisdiction over his state-law claim.

We have considered whether Jackson sought in his motion leave to amend his complaint to replace his original claim with a new claim about entitlement to a reward from the Department for prompting Decatur to provide free bus service. Even if so construed, the district court properly denied a request to amend. After judgment has been entered, a plaintiff may amend a complaint only if the plaintiff first persuades the district court to reinstate the case. *Ewing v. 1645 W. Farragut LLC*, 90 F.4th 876, 893 (7th Cir. 2024). But the judgment of dismissal here was still intact when Jackson filed his motion, and, as just discussed, Jackson gave the court no valid reason to reinstate the case. So amending a complaint in a dismissed case would have been inappropriate.

AFFIRMED