

NONPRECEDENTIAL DISPOSITION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 June 20, 2025*

Decided June 24, 2025

BeforeDAVID F. HAMILTON, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2646

LACHELLE BOWERS,
*Plaintiff-Appellant,**v.*CITY OF CHICAGO,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 23 C 4314

Virginia M. Kendall,
*Chief Judge.***ORDER**

LaChelle Bowers, a former City of Chicago employee, sued the City for race and age discrimination, as well as retaliatory discharge. The district court dismissed the suit as barred by res judicata. We affirm.

* We have agreed to decide the case without oral argument 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).

Bowers, who is African American and over the age of 40, worked for the City of Chicago as an auditor from 2007 until 2018, when she was fired. She filed a charge of discrimination with the Illinois Department of Human Rights and then sued in Illinois state court. In her state suit, she asserted (1) a violation of the Illinois Whistleblower Act, 740 ILCS 174; (2) common-law retaliatory discharge; (3) race-based discrimination in violation of the Illinois Human Rights Act (IHRA), 775 ILCS 5/1-101; (4) age-based discrimination under the IHRA, *id.*; and (5) retaliation under the IHRA. *Id.*

The state court dismissed Bowers's suit. The court first dismissed Bowers's whistleblower and retaliatory-discharge claims with prejudice because they were preempted under the IHRA. Two years later, the court dismissed Bowers's remaining claims for want of prosecution—without prejudice—after she did not appear at a discovery deposition. When Bowers failed to refile her state court case within a year, the dismissal converted to one with prejudice.

Four years later, Bowers filed this suit in federal court seeking again to challenge her 2018 discharge. She reprised her allegations that the City fired her based on race and age and in retaliation for protected conduct. *See* 42 U.S.C. § 2000e–2, 29 U.S.C. §§ 621–34. The district court granted the City's motion to dismiss on grounds of res judicata. The court explained that (1) Bowers's federal complaint included the same claims she previously brought in state court; (2) the state court case was dismissed on the merits; and (3) Bowers sued the same defendant in both actions. Bowers appealed.

We begin with a word on jurisdiction. The City renews its contention that subject-matter jurisdiction is lacking because Bowers's complaint did not assert any violation of federal law, stating only that she “reserves the right to amend her complaint and add ... claims under Title VII and the ADEA.” But as the district court pointed out, the City's reading of the complaint is too narrow. If her complaint is construed liberally (as is the practice for reviewing pro se complaints, *see Luster v. Village of Ashmore*, 76 F.4th 535, 538 (7th Cir. 2023)), Bowers alleged plausible claims for race and age discrimination under Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act, as well as retaliatory discharge under both statutes. *See, e.g., Gogos v. AMS Mech. Sys., Inc.*, 737 F.3d 1170, 1171–72 (7th Cir. 2013) (reversing dismissal for lack of subject-matter jurisdiction because plaintiff's allegations supported a federal employment discrimination claim).

On appeal, Bowers challenges the district court's res judicata analysis by arguing that the state court did not rule on the merits when it dismissed several of her claims for want of prosecution. She invokes language from the federal rule of civil procedure that

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governs a dismissal for want of prosecution—FED. R. CIV. P. 41(b) (“Unless the dismissal order states otherwise, a dismissal under this subsection ... operates as an adjudication on the merits.”)—and construes it to mean that the state court’s dismissal for want of prosecution must not have been on the merits.

Bowers misinterprets the operation of res judicata here. The Full Faith and Credit Act, 28 U.S.C. § 1738, requires us to “apply the preclusion law of the state that rendered the judgment to determine whether [res judicata] controls this case.” *Robbins v. MED-1 Solutions, LLC*, 13 F.4th 652, 656 (7th Cir. 2021) (internal citation omitted). Under Illinois law, res judicata prohibits parties from relitigating claims that have been resolved by a court with jurisdiction. *Baek v. Clausen*, 886 F.3d 652, 660 (7th Cir. 2018) (citing *River Park, Inc. v. City of Highland Park*, 703 N.E.2d 883, 889 (Ill. 1998)). One of the doctrine’s requirements is that there must be a final judgment on the merits, *id.*, and here that requirement was met. The state court dismissed two claims with prejudice on preemption grounds, and it dismissed the remaining claims for want of prosecution—a dismissal that became a final judgment on the merits when Bowers’s one-year refiling window closed late in 2022. *See BankFinancial, FSB v. Tandon*, 989 N.E.2d 205, 212 (Ill. App. Ct. 2013) (citing *SC Vaughan Oil Co. v. Caldwell, Troutt & Alexander*, 693 N.E.2d 338, 344 (Ill. 1998)).

AFFIRMED