

NONPRECEDENTIAL DISPOSITION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 February 10, 2026*

Decided February 10, 2026

*Before*FRANK H. EASTERBROOK, *Circuit Judge*DAVID F. HAMILTON, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 25-1101

THOMAS EDWARD MARTIN,
*Plaintiff-Appellant,**v.*JOHN R. GREENWOOD and MARY JO
STVAN,
*Defendants-Appellees.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 24 CV 1421

Lindsay C. Jenkins,
*Judge.***ORDER**

Thomas Martin stole money from his employer-sponsored retirement savings plan and was convicted in state court of theft and wire fraud. He later brought a sprawling complaint against the prosecutor and the plan's administrator, asserting violations of his civil rights, *see* 42 U.S.C. § 1983, an interpleader claim, *see* 28 U.S.C.

* 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).

§ 1335; FED. R. CIV. P. 22, and a state-law breach-of-fiduciary-duty claim. The district court dismissed some of the claims for lack of subject-matter jurisdiction and others as barred by the statute of limitations. We affirm the judgment but modify the dismissal of the interpleader claim to be without prejudice.

We recount the facts as set forth in Martin's complaint as well as the state appellate court's ruling from his criminal appeal, *People v. Martin*, 2022 IL App (1st) 191239-U (May 20, 2022), of which we take judicial notice. See *Fosnight v. Jones*, 41 F.4th 916, 922 (7th Cir. 2022). Martin owned a metal-working company, which in 2007 established a 401(k) plan through Merit Benefits Group, Inc., a company that specializes in retirement and qualified plan services. Martin withdrew funds from the plan in 2010 and 2013. Based on these withdrawals, he was indicted in Illinois state court for theft and wire fraud. The case went to trial in 2019. The prosecutor for the case was John Greenwood, then an Assistant Attorney General in Illinois. At trial, the state presented testimony from Merit Benefits Group's owner, Mary Jo Stvan. Martin was convicted by a jury on both counts and later sentenced to 30 months' probation.

In 2024, Martin sued Greenwood, Stvan, and Definiti LLC (Merit Benefits Group's successor in interest). He brought three claims: an interpleader claim, seeking a declaration that the stolen money was his property; a claim under 42 U.S.C. § 1983, alleging that Stvan provided false testimony at Greenwood's request; and a state-law claim for breach of fiduciary duty, alleging that Stvan mishandled the retirement plan.

The district court dismissed all the claims. The court concluded that it lacked subject-matter jurisdiction to hear the interpleader claim under the *Rooker-Feldman* doctrine, see *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983), given that Martin's request for a declaration would contradict the state court's criminal judgment. As for Martin's § 1983 claim against Greenwood and Stvan, the court dismissed the request for damages as barred by the statute of limitations and the request for injunctive relief as barred by the *Rooker-Feldman* doctrine. Having dismissed the claims presenting federal questions, the court declined to exercise supplemental jurisdiction over the state-law claim for breach of fiduciary duty.

On appeal, Martin first argues that the district court erred in applying *Rooker-Feldman* to his interpleader claim because he was not complaining of an injury caused by a state court's judgment. But this argument is beside the point because Martin's interpleader claim does not present any justiciable controversy. A justiciable controversy does not exist where there is no risk that the interpleader plaintiff faces a credible threat of competing liability from multiple parties, see *State Farm Life Ins. Co. v.*

Jonas, 775 F.3d 867, 870 (7th Cir. 2014), cited in *Braid v. Stilley*, 142 F.4th 956, 961 (7th Cir. 2025), and Martin concedes in his reply brief that the purported claimants—his former employees—have not actually asserted any claims against him and he does not expect them to do so. The interpleader claim, then, was properly dismissed for lack of subject-matter jurisdiction. But the district court incorrectly dismissed this claim with prejudice, so we modify the judgment to reflect that the dismissal is without prejudice. See *Mains v. Citibank, N.A.*, 852 F.3d 669, 678–79 (7th Cir. 2017).

As for the dismissal of his § 1983 claim for damages, Martin contends that the court erred by not applying the five-year statute of limitations applicable to claims for fraudulent concealment under Illinois law. See 725 ILCS 5/13-215. But the statute of limitations for any claim brought under § 1983, regardless of its nature, is determined by the general statute of limitations governing personal injuries in the forum state. *Wallace v. Kato*, 549 U.S. 384, 387 (2007). Since Illinois has a two-year statute of limitations for personal injury claims, *Herrera v. Cleveland*, 8 F.4th 493, 495 n.2 (7th Cir. 2021), Martin’s request for damages was time-barred.

Finally, regarding the dismissal of his state-law claim for breach of fiduciary duty by Stvan and Definiti, Martin argues that the district court should have asserted diversity jurisdiction over the claim. But his complaint says nothing about Stvan’s citizenship, so he failed to meet his burden of alleging that the parties are completely diverse. See *Dalton v. Teva N. Am.*, 891 F.3d 687, 690 (7th Cir. 2018).

The rest of Martin’s arguments, to the extent we can discern them, lack merit.

We MODIFY the disposition of the district court to reflect a dismissal of the interpleader claim without prejudice and AFFIRM the judgment as modified.