

NONPRECEDENTIAL DISPOSITION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 9, 2026*

Decided June 12, 2026

BeforeMICHAEL B. BRENNAN, *Chief Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 25-1775

JERMAINE APPLEWHITE,
*Plaintiff-Appellant,**v.*DANIEL R. DEGNAN,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 24-cv-05743

John F. Kness,
*Judge.***ORDER**

Jermaine Applewhite sued the Illinois judge who ordered him to pay child support, alleging that the judge's purported relationship with a state agency resulted in constitutional violations. *See* 42 U.S.C. § 1983. The district court dismissed the complaint based on judicial immunity and res judicata principles. We modify the judgment to reflect that, to the extent the district court lacked subject matter jurisdiction, the judgment is without prejudice. So modified, we affirm.

* 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).

We accept all well-pleaded factual allegations as true and draw all reasonable inferences in favor of Cook County Circuit Court Judge Daniel R. Degnan, the non-moving party. *See Sherwood v. Marchiori*, 76 F.4th 688, 693 (7th Cir. 2023). Also, we may take judicial notice of the court records from the Illinois case that gave rise to this suit. *See Patrick v. City of Chicago*, 81 F.4th 730, 734 n.2 (7th Cir. 2023).

Applewhite was the respondent in a child support proceeding in the Domestic Relations Division of the Circuit Court of Cook County, Illinois. *See Dent v. Applewhite*, No. 2016D050158 (Cook Cnty. Cir. Ct.). In April 2016, Judge Degnan presided over a hearing in that matter and ordered Applewhite to pay temporary child support. Applewhite did not appeal the order.

In 2023, Applewhite filed his first federal lawsuit against Judge Degnan alleging that the judge abused his authority during the proceeding in a manner that violated the constitution. *See Compl., Applewhite v. Degnan*, No. 23-cv-1034 (N.D. Ill. Mar. 23, 2023) (*Applewhite I*). The district court dismissed the complaint at screening, *see* 28 U.S.C. § 1915A, concluding that it lacked jurisdiction under the *Rooker-Feldman* doctrine, Judge Degnan enjoyed judicial immunity, and Applewhite's suit was beyond the statute of limitations, *see id.* § 1915(e)(2)(B).

Applewhite sued again in July 2024, alleging that Judge Degnan was a "contractor" for the Illinois Department of Healthcare and Family Services and his involvement in the child-support case violated the separation of powers principle, Applewhite's rights to due process and equal protection under the Fourteenth Amendment, and his "right to privacy" under the Ninth Amendment. Applewhite demanded an investigation into the judge's conduct, disciplinary measures, punitive damages, and "adherence to constitutional principles."

The district court concluded that Judge Degnan was acting in his judicial capacity and was, therefore, immune from suit. To the extent that immunity was unavailable, the court determined that because *Applewhite I* involved the same parties, arose from the same operative facts, and ended in a final judgment on the merits, res judicata barred Applewhite's suit. The district court dismissed the case with prejudice. Applewhite appeals and challenges only the district court's conclusion that Judge Degnan is entitled to immunity.

But judicial immunity is an affirmative defense. *See Jones v. Brennan*, 465 F.3d 304, 308 (7th Cir. 2006). We must consider jurisdiction before the merits, *see Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998), and affirmative defenses, including

judicial immunity, are merits issues. See *Our Country Home Enters., Inc. v. Comm'r*, 855 F.3d 773, 783 (7th Cir. 2017).

The domestic relations exception to federal jurisdiction divests federal courts of the power to decide a “narrow range of domestic relations issues” involving divorce, spousal support, and child custody orders. *Kowalski v. Boliker*, 893 F.3d 987, 995 (7th Cir. 2018) (quoting *Ankenbrandt v. Richards*, 504 U.S. 689, 701 (1992)); see also *Struck v. Cook Cnty. Pub. Guardian*, 508 F.3d 858, 859 (7th Cir. 2007).

Some of Applewhite’s claims, unclear as they are, implicate the domestic-relations exception. He contends that he received “inadequate notice and an insufficient opportunity ... to be heard regarding the child support obligations imposed.” And in his brief on appeal, Applewhite makes clear that he challenges “the procedures used to establish and enforce the child support order.” In other words, he submits that the state-court process by which he came to owe child support violated his constitutional rights. But, as we have explained, it “is too facile a litigation move” to avoid the domestic-relations exception by “recast[ing] a claim of maladministration as a denial of due process.” *Jones*, 465 F.3d at 308. Any challenge to, or injury arising from, the child support order or the state court’s application of Illinois family law run straight into the exception. See *id.*; see also *Kowalski*, 893 F.3d at 996 (exception bars challenges to state court’s application of state family law). The district court therefore lacked subject matter jurisdiction over those claims. See *Jones*, 465 F.3d at 308. And that remains true regardless of whether Applewhite’s contention is that the order is substantively incorrect or reached in a procedurally defective manner. See *Kowalski*, 893 F.3d at 996.

Next, Applewhite appears to raise a facial challenge to the constitutionality of Illinois’s child-support regime. Here, the district court also lacked subject matter jurisdiction, but for a different reason: the claim is barred by the *Rooker-Feldman* doctrine. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 476 (1983). The key question is whether the relief a plaintiff seeks would reverse or undo a state court judgment. *Gilbank v. Wood Cnty. Dep’t of Hum. Servs.*, 111 F.4th 754, 792–94 (7th Cir. 2024) (en banc). While the Supreme Court may review the constitutionality of a state court judgment, lower federal courts generally lack that authority except where specifically granted by Congress. See, e.g., *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); 28 U.S.C. § 1257.

Applewhite’s request that the state court judge “adhere[] to constitutional principles” (and, on appeal, that we reverse the child-support order) implies that Illinois’s child-support laws are unconstitutional. But, as the Supreme Court has explained, “a federal district court cannot entertain an original action alleging that a

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state court violated the Constitution by giving effect to an unconstitutional state statute.” *Howlett v. Rose*, 496 U.S. 356, 369 n.16 (1990). Applewhite’s claim that the child support order was the result of unconstitutional state laws was beyond the district court’s jurisdiction. Applewhite’s remedy was to appeal the order to the Illinois Appellate Court—a path he did not pursue.

Because the district court lacked jurisdiction over all of Applewhite’s claims, we MODIFY the district court’s judgment to reflect that Applewhite’s complaint is dismissed without prejudice. *E.g., McHugh v. Ill. Dep’t of Transp.*, 55 F.4th 529, 535 (7th Cir. 2022). So modified, the judgment is AFFIRMED.