

Seeking Federal Relief for Denial of Certification as a Write-In Candidate After Losing in State Court

Bonds v. Orr (Robert M. Dow, Jr., N.D. Ill. 1:13-cv-2610)

At approximately 1:00 p.m. on the day before an election for a high-school-district board of education, a federal district-court judge received a complaint seeking the plaintiff's listing as a write-in candidate. After a 3:30 hearing, the judge determined that because the plaintiff's claims had already been pursued unsuccessfully in state court, they were barred by the *Rooker-Feldman* doctrine, which states that among federal courts only the Supreme Court has appellate jurisdiction over state-court proceedings.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; matters for state courts; pro se party.

A plaintiff wishing to be listed as a write-in candidate for a high-school-district board of education in Cook County, Illinois, filed a federal complaint in the Northern District of Illinois on April 8, 2013, the day before the election.¹ With her complaint, the plaintiff filed an application to proceed in forma pauperis.² She also filed the court's form motion for attorney assistance.³

Judge Robert M. Dow, Jr., received the complaint at approximately 1:00 p.m. and set the matter for hearing at 3:30, instructing the plaintiff to serve the complaint on the county clerk defendant.⁴ After the hearing, at which the plaintiff appeared pro se, Judge Dow determined that because the plaintiff had already unsuccessfully sought relief for her federal claims in state courts, federal relief from the federal district court was barred by the *Rooker-Feldman* doctrine, which states that among federal courts only the Supreme Court has appellate jurisdiction over state-court proceedings.⁵

1. Complaint, *Bonds v. Orr*, No. 1:13-cv-2610 (N.D. Ill. Apr. 8, 2013), D.E. 1.

2. In Forma Pauperis Application, *id.* (Apr. 8, 2013), D.E. 3.

3. Attorney Assistance Motion, *id.* (Apr. 8, 2013), D.E. 4.

4. Amended Minute Order, *id.* (Apr. 29, 2013), D.E. 13.

Judge Dow became Chief Justice John G. Roberts, Jr.'s counselor in October 2022. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges; Press Release, Oct. 3, 2022, www.supremecourt.gov/publicinfo/press/pressreleases/pr_10-03-22.

5. Amended Minute Order, *supra* note 4; see *D.C. Ct. App. v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); see also Martin A. Schwartz, Section 1983 Litigation 21–24 (Federal Judicial Center 3d ed. 2014).