

State-Court Loss as Res Judicata

Kowalski v. Cook County Officers' Electoral Board (*John W. Darrah, N.D. Ill. 1:16-cv-1891*)

The federal district judge denied relief to a prospective candidate for county recorder of deeds as barred by res judicata and unsuccessful efforts in state courts.

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

A prospective candidate for Cook County's recorder of deeds filed a pro se federal complaint on February 2, 2016, in the Northern District of Illinois seeking damages and other relief for her exclusion from the March 15 primary-election ballot.¹ On the following day, the plaintiff filed a motion for a temporary restraining order putting her on the ballot.²

An attorney appeared on behalf of the plaintiff on February 9,³ and Judge John W. Darrah granted him permission to file an amended complaint on February 16.⁴ The amended complaint added a voter as a plaintiff.⁵

On March 1, Judge Darrah denied the plaintiffs immediate relief; res judicata barred relief in conflict with earlier state-court rulings.⁶ Following additional briefing, Judge Darrah dismissed the case on res judicata grounds on September 13.⁷

1. Complaint, *Kowalski v. Cook Cty. Officers' Electoral Bd.*, No. 1:16-cv-1891 (N.D. Ill. Feb. 2, 2016), D.E. 1.

2. Temporary-Restraining-Order Motion, *id.* (Feb. 3, 2016), D.E. 7; *see* Emergency Notice of Motion, *id.* (Feb. 3, 2016), D.E. 8 (specifying a hearing date of February 9, 2016).

3. Attorney Appearance, *id.* (Feb. 9, 2016), D.E. 14.

4. Order, *id.* (Feb. 16, 2016), D.E. 21.

Judge Darrah died on March 23, 2017. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. Amended Complaint, *Kowalski*, No. 1:16-cv-1891 (N.D. Ill. Feb. 16, 2016), D.E. 23.

6. Opinion, *id.* (Mar. 1, 2016), D.E. 29, 2016 WL 792333; Order, *id.* (Mar. 1, 2016), D.E. 28; *see* Minutes, *id.* (Mar. 11, 2016), D.E. 35 (denying reconsideration).

7. Opinion, *id.* (Sept. 13, 2016), D.E. 54, 2016 WL 4765711.