

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jesse Schworck v. Dane County Circuit Judge Stephanie R. Hilton,
Wisconsin Court of Appeals, Wisconsin Supreme Court, and the
State of Wisconsin

25-cv-943-wmc · No. 25-cv-943-wmc · Decided April 1, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed Jesse Schworck’s pro se 42 U.S.C. § 1983 complaint arising from state divorce proceedings. The court held that the claims were barred or deficient based on state and judicial immunity, lack of personal involvement, the Rooker-Feldman doctrine, the domestic-relations exception, and the absence of private rights of action under the cited criminal statutes. The complaint was dismissed without prejudice for lack of jurisdiction, and a motion for expedited review was denied as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	April 1, 2026
DOCKET	25-cv-943-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening dismissal of a pro se civil-rights complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	During screening under 28 U.S.C. § 1915(e)(2)(B), the court accepts well-pleaded allegations as true, reads a self-represented litigant’s complaint generously, draws reasonable inferences in the plaintiff’s favor, and dismisses claims that are frivolous, malicious, fail to state a claim, or seek relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

subject matter jurisdiction

section 1983

sovereign immunity

civil procedure

family law procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

family law

remedies

QUESTIONS PRESENTED

1. Whether the State of Wisconsin and Wisconsin courts are persons subject to suit under 42 U.S.C. § 1983.
2. Whether claims against state judges and the Attorney General are barred by Eleventh Amendment sovereign immunity or judicial immunity, or fail for lack of personal involvement.
3. Whether the Rooker-Feldman doctrine deprives the federal district court of subject-matter jurisdiction over claims directly challenging state-court divorce judgments.
4. Whether the domestic-relations exception independently deprives the federal court of jurisdiction over the divorce-related dispute.
5. Whether 18 U.S.C. §§ 241 and 242 provide a private right of action or authorize a private plaintiff to compel prosecution or arrest.

HOLDINGS

1. The State of Wisconsin and its agencies, including the Wisconsin Court of Appeals and Wisconsin Supreme Court, are not persons subject to suit under § 1983.
2. Official-capacity claims for damages against the state judges and Attorney General are barred by Eleventh Amendment sovereign immunity; individual-capacity claims against the judges are barred by judicial immunity; and the individual-capacity claim against Attorney General Kaul fails because Schworck alleged no personal involvement.
3. The Rooker-Feldman doctrine deprives the federal district court of subject-matter jurisdiction over Schworck's claims because he directly challenges and seeks to invalidate state-court judgments.
4. Even if Rooker-Feldman did not apply, the domestic-relations exception would deprive the federal court of jurisdiction over Schworck's challenge to the divorce proceeding.
5. 18 U.S.C. §§ 241 and 242 do not provide a private right of action, and Schworck cannot obtain an order compelling the arrest or prosecution of another person.

KEY QUOTATIONS

“The Rooker-Feldman doctrine prohibits federal courts from exercising subject matter jurisdiction over claims seeking review of state court judgments.”

“Plaintiff is not otherwise entitled to an order requiring the arrest or prosecution of any individual.”

FACTUAL BACKGROUND

In 2019, Vera Amondi Okello petitioned the Dane County Circuit Court for a divorce from Jesse Schworck and sought child support. Schworck argued that the marriage was fraudulent or invalid, that he had initiated

proceedings in Kenya to declare it void, and that Okello was unlawfully present in the United States. After Wisconsin courts proceeded with the divorce and denied Schworck relief on appeal, he filed this federal action seeking to void the state-court judgments, obtain damages, and compel Okello's arrest and deportation.

PROCEDURAL HISTORY

Schworck filed a 42 U.S.C. § 1983 complaint challenging rulings and judgments entered in Wisconsin divorce and related proceedings, naming state judges, Wisconsin courts, the State of Wisconsin, and the Wisconsin Attorney General as defendants. The district court screened the complaint and dismissed it without prejudice for lack of jurisdiction, denying as moot his motion for expedited review.

DISPOSITION

dismissed

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 521 (1972)
- General Electric Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1080 (7th Cir. 1997)
- London v. RBS Citizens, N.A., 600 F.3d 742, 745-46 (7th Cir. 2010)
- Will v. Michigan Department of State Police, 491 U.S. 58, 65-66, 71 (1989)
- Brokaw v. Mercer County, 235 F.3d 1000, 1009 (7th Cir. 2000)
- Stump v. Sparkman, 435 U.S. 349, 359 (1978)
- Minix v. Canarecci, 597 F.3d 824, 833-34 (7th Cir. 2010)
- Maple Lanes, Inc. v. Messer, 186 F.3d 823, 825 (7th Cir. 1999)
- Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923)
- D.C. Court of Appeals v. Feldman, 460 U.S. 462, 482-83, 486 (1983)
- Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005)
- Andrade v. City of Hammond, 9 F.4th 947, 950 (7th Cir. 2021)
- Swartz v. Heartland Equine Rescue, 940 F.3d 387, 391 (7th Cir. 2019)
- Ankenbrandt v. Richards, 504 U.S. 689, 703 (1992)
- Central Bank, N.A. v. First Interstate Bank, N.A., 511 U.S. 164, 190 (1994)
- Norman v. Campbell, 87 F. App'x 582, 584 (7th Cir. 2003)
- Heckler v. Chaney, 470 U.S. 821, 831 (1985)
- Del Marcell v. Brown County Corp., 680 F.3d 887, 901-02 (7th Cir. 2012) (Easterbrook, C.J., concurring)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN JESSE SCHWORCK, Plaintiff, OPINION AND ORDER v. 25-cv-943-wmc DANE

COUNTY CIRCUIT JUDGE STEPHANIE R. HILTON, WISCONSIN COURT OF APPEALS, WISCONSIN SUPREME COURT, and the STATE OF WISCONSIN, Defendants. Plaintiff Jesse Schworck, who is representing himself, has filed a complaint under 42 U.S.C. § 1983, alleging that his rights were violated during divorce proceedings initiated against him by his now ex-wife.

Because plaintiff is proceeding without prepayment of the filing fee, the court must screen the complaint and dismiss any claim that is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

In addressing any self-represented litigant's complaint, the court must read the allegations generously, drawing all reasonable inferences and resolving ambiguities in plaintiff's favor. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). Even under this lenient standard, however, the court must dismiss the complaint for the reasons explained below. **ALLEGATIONS OF FACT**¹ In 2019, Vera Amondi Okello petitioned the Dane County Circuit Court for a 1 Unless otherwise indicated, the facts in this section are taken from plaintiff's complaint.

(Dkt. #1.) divorce from plaintiff Jesse Schworck, seeking child support. In re the marriage of Vera Amondi Okell and Jesse Robert Schworck, Case No. 2019FA1039.² During that proceeding, Schworck argued that the marriage was invalid because it was the product of marriage fraud. Schworck advised the presiding judge, which was Frank Remington at the time, that he had initiated proceedings in Kenya to declare the marriage void.³ Schworck also argued that Okello was in the country illegally in violation of immigration law.

Instead of arresting Okello and holding her for ICE to be deported, Judge Remington proceeded with the divorce as though the couple were lawfully married. Schworck claims that Judge Stephanie R. Hilton, who took over Case No. 2019FA1039 after Judge Remington retired, also refused to follow the law by providing "further sanctuary and protection" to Okello in violation of Schworck's rights.

Schworck pursued a number of appeals to the Wisconsin Court of Appeals and the Wisconsin Supreme Court, but was denied relief. Schworck complains that as a result of his ex-wife remaining in the country, he cannot choose a school for his son or travel, and he has "money judgments" being filed against him, which pose a "present and continuous danger of contempt with threat of arrest and imprisonment, among other things." (Dkt. #5.)

Schworck sues Judge Hilton, several unnamed judges with the Wisconsin Courts of Appeal, all of the Wisconsin Supreme Court Justices, and Wisconsin Attorney General Josh Kaul. Schworck alleges that these officials ² A court may take judicial notice of matters in the public record, including pleadings and orders in previous court cases. *Gen. Elec. Capital Corp. v. Lease Resolution Corp.*, 128 F.3d 1074, 1080 (7th Cir.

1997) (collecting cases). 3 Schworck encloses a judgment from a magistrate court in the Republic of Kenya, showing that he was granted a divorce from Okello in absentia in February 2023, after Okello initiated divorce proceedings against him in Dane County Case No. 2019FA1039. (Dkt. #1-1, at 1.) violated his right to due process, equal protection, and access to the courts in violation of the First, Fifth, and Fourteenth Amendments to the U.S. Constitution.

Schworck also alleges that these officials violated 18 U.S.C. §§ 241 and 242 by conspiring to violate his rights. He seeks a judgment declaring that “all state court orders and judgments” are void in Case No. 2019FA1039 and the following associated cases: Dane County Case Nos. 2020FA1953, 2021FA729, 2023FA419, and Wisconsin Court of Appeals/Wisconsin Supreme Court Case Nos. 2022AP1651, 2023AP850, 2023AP959, and 2024AP82.

He also seeks compensatory damages and a court order directing the U.S. Marshal to arrest Okello and hold her for deportation by ICE back to Kenya. OPINION As an initial matter, plaintiff lists the State of Wisconsin, the Wisconsin Court of Appeals, and the Wisconsin Supreme Court as defendants in the caption of his complaint.

To state a claim for relief under 42 U.S.C. § 1983, a plaintiff must allege that a “person” acting under color of law deprived him of a right secured by the Constitution or the laws of the United States. *London v. RBS Citizens, N.A.*, 600 F.3d 742, 745-46 (7th Cir. 2010). Neither the State of Wisconsin nor any of its agencies or employees acting in their official capacity are persons who can be sued under § 1983.

Will v. Michigan Dep’t. of State Police, 491 U.S. 58, 65-66, 71 (1989). If plaintiff is suing Judge Hilton or any other judge in their official capacity, his claims are barred by the Eleventh Amendment. See *Brokaw v. Mercer Cnty.*, 235 F.3d 1000, 1009 (7th Cir. 2000) (federal suits for damages against state officials in their official capacities are barred by Eleventh Amendment sovereign immunity).

If plaintiff is suing Judge Hilton or any other judge in their individual capacity, his claims are barred by the doctrine of judicial immunity because he is complaining about judicial rulings. See *Stump v. Sparkman*, 435 U.S. 349, 359 (1978) (Absolute immunity shields a judge from liability “even if his exercise of authority is flawed by the commission of grave procedural errors.”).

Any claim against Attorney General Kaul in his official capacity is similarly barred by the Eleventh Amendment. Likewise, plaintiff does not allege that Attorney General Kaul had any personal involvement in his divorce proceeding for purposes of liability in his individual capacity. See *Minix v. Canarecci*, 597 F.3d 824, 833-34 (7th Cir. 2010) (individual liability under § 1983 requires personal involvement, so plaintiff must allege sufficient facts showing that individual personally caused or participated in constitutional deprivation).

To the extent that plaintiff seeks declaratory or injunctive relief, “[t]he Rooker- Feldman doctrine prohibits federal courts from exercising subject matter jurisdiction over claims seeking review of state court judgments.” *Maple Lanes, Inc. v. Messer*, 186 F.3d 823, 825 (7th Cir. 1999) (citing *Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415-16 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482–83 (1983)).

Rooker-Feldman applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284, (2005).

The doctrine is limited to federal claims that “‘directly’ challenge a state court judgment or are ‘inextricably intertwined with one.’” *Andrade v. City of Hammond*, 9 F.4th 947, 950 (7th Cir. 2021) (quoting *Swartz v. Heartland Equine Rescue*, 940 F.3d 387, 391 (7th Cir. 2019)).

Here, plaintiff directly seeks to void all state court orders and judgments associated with his contested divorce proceeding in Dane County Case No. 2019FA1039 and related cases. The Rooker-Feldman doctrine prohibits this court from reviewing those decisions “even if those challenges allege that the state court’s action was unconstitutional.” *Feldman*, 460 U.S. at 486.

Even if Rooker-Feldman did not apply, the court would still lack jurisdiction over plaintiff’s challenge to his divorce proceeding. Under the “domestic relations exception” to federal jurisdiction, federal courts generally lack jurisdiction over disputes challenging divorce, custody, or alimony decrees, even if those disputes might otherwise fall under diversity or federal question jurisdiction.

Ankenbrandt v. Richards, 504 U.S. 689, 703 (1992). Finally, although plaintiff also relies on criminal statutes as a basis for jurisdiction, criminal statutes that do not provide a private right of action. See *Cent. Bank, N.A. v. First Interstate Bank, N.A.*, 511 U.S. 164, 190 (1994) (“We have been quite reluctant to infer a private right of action from a criminal prohibition alone.”).

In other words, private parties have no authority to pursue claims under federal criminal statutes. *Norman v. Campbell*, 87 F. App’x 582, 584 (7th Cir. 2003). Similarly, to the extent that plaintiff faults any of the defendants for not investigating or seeking his ex-wife’s arrest, “an agency’s decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency’s absolute discretion.” *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

Plaintiff is not otherwise entitled to an order requiring the arrest or prosecution of any individual. *Del Marcell v. Brown Cnty. Corp.*, 680 F.3d 887, 901-02 (7th Cir. 2012) (Easterbrook, C.J., concurring) (citations omitted); see also *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A]

private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”).

Although the court of appeals has cautioned against dismissing an unrepresented plaintiff's case without giving the plaintiff a chance to amend the complaint, *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016), dismissal is appropriate here because plaintiff's allegations do not suggest that he could amend his complaint to state a claim for relief in federal court.

ORDER IT IS ORDERED that: 1. The complaint filed by plaintiff Jesse Schworck is DISMISSED without prejudice for lack of jurisdiction. 2. Plaintiff's motion for expedited review (dkt. #4) is DENIED as moot. Entered this 1st day of April, 2026. BY THE COURT: /s/

WILLIAM M. CONLEY District Judge