

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

**Kay Xiong Yang v. State of Wisconsin, James K. Muehlbauer, Steven
M. Cain, Sandy A. Williams, Adam Y. Gerol, Kristian K. Lindo,
Kristin L. Studinski-Toryfter, Scot Fink, Sara Schmeling, Marinosci
Law Group, P.C., U.S. Bank National Association, Select Portfolio
Servicing, Inc., and Does 1–100**

Yang · No. 25-CV-753-SCD · Decided April 30, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin dismisses sua sponte the claims against remaining defendant Scot Fink in Kay Xiong Yang’s challenge arising from a state foreclosure, sheriff’s sale, and related criminal proceedings. The court concludes that the Rooker-Feldman doctrine bars claims seeking to undo the state-court foreclosure and sale, and that the complaint fails to state a federal damages claim because Fink was a private purchaser not plausibly alleged to have acted under color of state law. The court orders dismissal with prejudice of the entire action and directs the clerk to enter judgment.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 30, 2026
DOCKET	25-CV-753-SCD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening order dismissing sua sponte the remaining claims against Scot Fink after the court had granted the other defendants' motions to dismiss; the plaintiff had filed a notice of appeal from the earlier dismissal order.
STANDARD OF REVIEW	The court reviewed the complaint for facial legal and pleading defects and applied the plausibility standard and 28 U.S.C. § 1915(e)(2)(B) (ii); it also treated claims seeking review or reversal of state-court judgments as barred by the Rooker-Feldman doctrine.

PRECEDENTIAL VALUE	Unknown
PARTIES	Kay Xiong Yang v. State of Wisconsin, James K. Muehlbauer, Steven M. Cain, Sandy A. Williams, Adam Y. Gerol, Kristian K. Lindo, Kristin L. Studinski-Toryfter, Scot Fink, Sara Schmeling, Marinosci Law Group, P.C., U.S. Bank National Association, Select Portfolio Servicing, Inc., Does 1–100

TOPICS

foreclosure subject matter jurisdiction civil procedure section 1983 appellate jurisdiction

PRACTICE AREAS

civil procedure real estate civil rights appellate procedure remedies

QUESTIONS PRESENTED

1. Whether the Rooker-Feldman doctrine barred Yang's claims against Fink to the extent she sought to set aside the state foreclosure action and sheriff's sale and recover the property.
2. Whether Yang stated a plausible federal damages claim against Fink when Fink was a private purchaser and the complaint did not plausibly allege action under color of state law.
3. Whether the court could dismiss the claims against Fink sua sponte under its inherent authority and 28 U.S.C. § 1915(e)(2)(B)(ii).

HOLDINGS

1. The Rooker-Feldman doctrine bars claims seeking to set aside the state foreclosure action and sheriff's sale and to return the property to Yang.
2. Yang failed to state a plausible federal damages claim because Fink was a private citizen and the complaint did not plausibly allege that he acted under color of state law.
3. The court could dismiss the claims against Fink sua sponte under its inherent authority and 28 U.S.C. § 1915(e)(2)(B)(ii) because the claims were transparently defective.

KEY QUOTATIONS

“Merely cloaking a private individual's activities in conspiratorial terms that suggest he was in league with law enforcement, the prosecution, the judge, et al, does not translate the claim into some kind of civil rights infraction.”

“District judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense. This is so even when the plaintiff has paid all fees for filing and service.”

FACTUAL BACKGROUND

Yang's Wisconsin home was sold to Scot Fink and his business entities at a public auction conducted pursuant to a state foreclosure judgment. Yang subsequently filed liens against the property, which led to state criminal charges and her conviction on four counts of criminal slander of title. In federal court, she alleged that Fink committed perjury, obstructed justice, and participated in a fraud on the court, seeking relief related to the foreclosure and sheriff's sale as well as damages.

PROCEDURAL HISTORY

Yang challenged a state foreclosure judgment, sheriff's sale, and related criminal conviction in federal court. The court previously granted the other defendants' motions to dismiss, while Fink answered without moving to dismiss. The court independently screened the claims against Fink, dismissed them with prejudice, and directed the clerk to enter judgment dismissing the entire action.

DISPOSITION

dismissed

CASES CITED

- Muhammad v. Lone Star Funds, No. 24-1730, 2024 WL 4986851, 2024 U.S. App. LEXIS 30682, at *3–5 (7th Cir. Dec. 5, 2024)
- Cole v. Faulkner, No. 24 C 12117, 2025 WL 1359054, 2025 U.S. Dist. LEXIS 88906, at *6 (N.D. Ill. May 9, 2025)
- Hoskins v. Poelstra, 320 F.3d 761, 763 (7th Cir. 2003)
- Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN KAY XIONG YANG, Plaintiff, v. Case No. 25-CV-753-SCD STATE OF WISCONSIN, JAMES K. MUEHLBAUER, STEVEN M. CAIN, SANDY A. WILLIAMS, ADAM Y. GEROL, KRISTIAN K. LINDO, KRISTIN L. STUDINSKI-TORYFTER, SCOT FINK, SARA SCHMELING, MARINOSCI LAW GROUP, P.C., U.S. BANK NATIONAL ASSOCIATION, SELECT PORTFOLIO SERVICING, INC., and DOES 1–100, Defendants.

SCREENING ORDER REGARDING DEFENDANT FINK After Kay Xiong Yang's Wisconsin home was sold to Scot Fink (and his business entities) at a public auction pursuant to a state foreclosure judgment, Yang tried to protect her alleged ongoing interest in the home by filing liens against the property. See Compl., ECF No. 1; see also Compl. Exs., ECF No. 1-3. That conduct led to state criminal charges and, ultimately, a judgment convicting Yang of four counts of criminal slander of title.

Yang attempted to challenge both judgments in state court. When she struck out there, she turned to federal court for relief, filing a complaint against twelve named defendants: State of Wisconsin,

James K. Muehlbauer, Steven M. Cain, Sandy A. Williams, Adam Y. Gerol, Kristian Kanekoa Lindo, Kristin L. Studinski-Toryfter, Scot Fink, Sara Schmeling, Marinosci Law Group, P.C., U.S. National Bank Association, and Select Portfolio Servicing, Inc. All the defendants (save for one) moved to dismiss the complaint on various grounds.

See ECF Nos. 8, 22, 25 & 33. I recently granted those motions. See Decision & Order on Defs.' Mots. Dismiss, ECF No. 56. And Yang has appealed that order. See Notice of Appeal, ECF No. 57. One defendant remains: Scot Fink, the buyer of Yang's foreclosed property. Fink filed an answer, see ECF No. 19, but he has not retained counsel nor moved to dismiss. Nevertheless, review of the complaint indicates that its allegations against Fink suffer from defects similar to those identified with respect to the other defendants.

The complaint alleges that Fink committed perjury during state-court proceedings, obstructed justice, and otherwise committed a fraud on the court. The Rooker-Feldman doctrine bars those claims to the extent Yang seeks to set aside the foreclosure action and the sheriff sale and to return the Mequon property to her. See *Muhammad v. Lone Star Funds*, No. 24-1730, 2024 WL 4986851, 2024 U.S. App.

LEXIS 30682, at *3–5 (7th Cir. Dec. 5, 2024) (affirming the dismissal of a plaintiff's claim "that the defendants engaged in a conspiracy to remove him unlawfully from his property" to the extent the plaintiff sought to set aside state-court eviction proceedings); *Cole v. Faulkner*, No. 24 C 12117, 2025 WL 1359054, 2025 U.S. Dist. LEXIS 88906, at *6 (N.D. Ill. May 9, 2025) ("Here, Cole requests as relief that the Court declare certain state-court proceedings void and undo state eviction actions—that is not allowed under Rooker- Feldman.").

The complaint also fails to state a plausible damages claim against Fink. Even if the allegations in the complaint are true, those allegations do not implicate any federal causes of action because Fink, a private citizen, is not (plausibly) alleged to have acted under color of state law—he is in essence a bona fide private purchaser. Merely cloaking a private individual's activities in conspiratorial terms that suggest he was in league with law enforcement, the prosecution, the judge, et al, does not translate the claim into some kind of civil rights infraction.

Accordingly, I will dismiss the claim(s) against Fink sua sponte under the court's inherent authority and 28 U.S.C. § 1915(e)(2)(B)(ii).¹ See *Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003) ("District judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense. This is so even when the plaintiff has paid all fees for filing and service." (citing *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir.

1999))). Because the court has now resolved all claims against all parties, see Fed. R. Cw. P. 54(b), the clerk of court shall enter judgment that this entire action is dismissed with prejudice and that Yang shall take nothing from any of the defendants by her complaint. SO ORDERED this 30th

day of April, 2026. Item 1 (Bus United States Magistrate Judge Both Yang and Fink have consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) and Fed.

R. Civ. P. 73(b). See ECF Nos. 14 & 58.

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