

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)