

Marion County Juvenile Court Magistrate as defendants. The plaintiff alleges that Ms. McMahon worked for the Marion County Public Defender agency and represented that she was appointed to represent the plaintiff and Ms. Scott (presumably the his daughter's mother). But Ms. McMahon had not been appointed to represent the plaintiff and she was not a lawyer or supervised by a lawyer. In addition she knew that there was a conflict of interest between Ms. Scott and the plaintiff. The Magistrate allegedly knew these facts but took no corrective action. The plaintiff alleges that based on these facts he was denied meaningful access to the court. In this action, the plaintiff argues that unsupervised un-appointed interns should not be allowed to represent anyone, instead juvenile court magistrates should appoint counsel for indigent persons (such as himself) pursuant to state or federal law.

This action is dismissed for lack of jurisdiction for the same reason as the original complaint. That is, this Court has no authority to dismiss, review, or otherwise interfere with the state court case. *See In re Campbell*, 264 F.3d 730, 731 (7th Cir. 2001) (observing that as a general matter, federal courts lack authority to “control or interfere with state court litigation”); *Lewis v. Anderson*, 308 F.3d 768, 771–72 (7th Cir.2002) (“lower federal courts do not have jurisdiction to conduct direct review of state court decisions.”). Ultimately, the plaintiff wants this Court to find that his constitutional rights were violated when the Magistrate failed to appoint a licensed attorney to represent him in the custody proceeding. Contrary to the plaintiff's assertion, he is asking this court to review the decisions made in an Indiana state court in a case to which the plaintiff was a party. In *Lassiter v. Dep't of Soc. Servs. of Durham Cnty., N. C.*, 452 U.S. 18, 31-32 (1981), the Supreme Court held that the Constitution does not require the appointment of counsel in every parental termination proceeding. Instead, “the decision whether due process calls for the appointment of counsel for indigent parents in termination proceedings” is left in the first instance

by the state trial court, subject to appellate review. *Id.* (citing *Wood v. Georgia*, 450 U.S. 261 (1981)). If the plaintiff was dissatisfied with the Magistrate's ruling in the state court case regarding the representation the plaintiff was provided he should have filed an appeal in state court.

"Subject-matter jurisdiction is the first question in every case, and if the court concludes that it lacks jurisdiction it must proceed no further." *State of Illinois v. City of Chicago*, 137 F.3d 474, 478 (7th Cir. 1998). That is the case here. This court does not have jurisdiction to review a state court judgment, even where the claim is made that the proceedings violated the federal plaintiff's constitutional rights. *GASH Associates v. Village of Rosemont, Ill.*, 995 F.2d 726, 727-29 (7th Cir. 1993); *Ritter v. Ross*, 992 F.2d 750 (7th Cir. 1993).

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 6/29/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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