[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 23-12775

Non-Argument Calendar

PATRICK LEON MASON,

Plaintiff-Appellant,

versus

MOBILE COUNTY CIRCUIT CLERK,
STATE OF ALABAMA DHR, CSE,
FRANK SPRAGLIN,
ALABAMA LAW ENFORCEMENT AGENCY,
Drivers License Division,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:23-cv-00185-KD-N

Before JILL PRYOR, BRANCH, and BLACK, Circuit Judges.

PER CURIAM:

Patrick Mason, proceeding *pro se*,[1] appeals the district court's *sua sponte* dismissal for failure to state a claim in his amended complaint alleging violations of his due process right to access the courts based on the denial of his request for a hearing to modify the orders requiring him to pay child support and suspending his driver's license. Mason asserts several issues on appeal, which we address in turn. After review, we affirm.

The district court did not err in determining Mason failed to state a claim for which relief could be granted and dismissing his amended complaint under 28 U.S.C. § 1915(e)(2)(B)(ii). *See* 28 U.S.C. § 1915(e)(2)(B)(ii) (providing an *in forma pauperis* action shall be dismissed at any time if the court determines it fails to state a claim for which relief may be granted); *Mitchell v. Farcass*, 112 F.3d

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[1] "*Pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). While *pro se* pleadings are liberally construed and held to less stringent standards than those drafted by attorneys, they still must suggest some factual basis for a claim. *Jones v. Fla. Parole Comm'n*, 787 F.3d 1105, 1107 (11th Cir. 2015).

1483, 1490 (11th Cir. 1997) (stating we apply the standards governing dismissals under Federal Rule of Civil Procedure 12(b)(6) to review a district court's *sua sponte* dismissal for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), reviewing the dismissal *de novo* and taking all allegations in the complaint as true). As an initial matter, to the extent Mason asked the district court to review, correct, or overturn the state child support and driver's license suspension orders against him, the district court lacked subject-matter jurisdiction to review those claims under the *Rooker-Feldman*[2] doctrine. *See Behr v. Campbell*, 8 F.4th 1206, 1208-10 (11th Cir. 2021) (explaining the *Rooker-Feldman* doctrine is a jurisdictional doctrine barring federal district courts from reviewing state-court decisions and applies "[o]nly when a losing state court litigant calls on a district court to modify or overturn an injurious state-court judgment" (quotation marks omitted)). We affirm the dismissal of those claims. However, Mason's claims for money damages or seeking declarations that his constitutional rights were violated by the defendants' conduct following the entry of the initial child support judgment and driver's license suspension order are not barred under *Rooker-Feldman*. *See id.* at 1212-13 (explaining the injury the plaintiff complains of "must be caused by the judgment itself," and when assessing whether a complaint is barred by *Rooker-Feldman*, "[t]he question isn't whether the whole complaint seems to challenge a previous state court judgment, but whether resolution of

[2] The *Rooker-Feldman* doctrine derives from *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923), and *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

each individual claim requires review and rejection of a state court judgment").

Next, Mason has not raised any challenge on appeal to the magistrate judge's recommendation, which the district court adopted, that his claims under 18 U.S.C. §§ 1001, 3571, and 242 be dismissed because those statutes do not authorize a private right of action by way of civil enforcement. Accordingly, Mason has abandoned on appeal any challenge that those claims should have survived the district court's dismissal. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014) (stating when an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and the judgment is due to be affirmed).

Under the only remaining statute, 42 U.S.C. § 1983, the magistrate judge found, and the district court adopted without adding to the findings from the Report and Recommendation (R&R), that three of the four named defendants—the Child Support Enforcement Division of the State of Alabama's Department of Human Resources (DHR CSE), the Driver's License Division of the Alabama Law Enforcement Agency (ALEA DLD), and Sharla Knox, in her official capacity as the Mobile County Circuit Court Clerk—are not "persons" subject to suit under § 1983 and are otherwise entitled to Eleventh Amendment immunity as "arms of the state." "Under the Eleventh Amendment, state officials sued for damages in their official capacity are immune from

suit in federal court." *Jackson v. Ga. Dep't of Transp.*, 16 F.3d 1573, 1575 (11th Cir. 1994). The four factors that we observe to determine whether an entity is an "arm of the State" include: "(1) how state law defines the entity; (2) what degree of control the State maintains over the entity; (3) where the entity derives its funds; and (4) who is responsible for judgments against the entity." *Myrick v. Fulton County*, 69 F.4th 1277, 1294 (11th Cir. 2023).

The district court did not err in determining DHR CSE, ALEA DLD, and Knox, in her official capacity are "arms of the state" and entitled to Eleventh Amendment immunity. *See Lightfoot v. Henry Cnty. Sch. Dist.*, 771 F.3d 764, 768 (11th Cir. 2014) (reviewing *de novo* whether an entity constitutes an arm of the state under Eleventh Amendment immunity analysis). Alabama routinely treats the Department of Human Resources and circuit court clerks as state agents entitled to sovereign immunity. *See, e.g. Poiroux v. Rich*, 150 So. 3d 1027, 1036-38 (Ala. 2014) (explaining recovery against circuit court clerks would affect the financial status of the state treasury and result in recovery of money from the state); *Ex parte Ala. Dep't of Human Res.*, 999 So. 2d 891, 898 (Ala. 2008) (holding sovereign immunity precluded a civil action against the child support payment center of the Alabama Department of Human Resources). The ALEA is created and governed by Alabama's state code, Ala. Code § 41-27-1 (2018), and is also an arm of the state, *see Myrick*, 69 F.4th at 1295. Accordingly, the district court did not err in dismissing the claims against DHR CSE, ALEA DLD, and Knox in her official capacity as the clerk of court.

Next, Mason attempts to argue, for the first time on appeal, the defendants violated a requirement from the Uniform Commercial Code (UCC) by lacking a sufficient financing statement before requiring him to pay child support. But Mason never mentioned the UCC before the district court, so he has forfeited this argument and this court need not consider it. *See Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331-32 (11th Cir. 2004) (stating generally, arguments raised for the first time on appeal that were not presented in the district court are deemed forfeited). None of the exceptions to the forfeiture doctrine apply to warrant review because whether the defendants needed to comply with the UCC is neither a pure legal question nor an issue of public importance. *See id.*

Turning to Mason's remaining arguments, his overarching claim of the violation of a federal constitutional right is a due process argument. To the extent his due process argument is based on his claim he was denied access to the court via the Sixth Amendment's protections for trial rights in criminal prosecutions, he has failed to state a claim of a § 1983 violation because the Sixth Amendment's rights are inapplicable to civil cases, including Mason's denial of a child support modification hearing. *See United States v. Approximately $299,973.70 Seized from a Bank of Am. Account*, 15 F.4th 1332, 1337 (11th Cir. 2021) ("[T]he Sixth Amendment . . . guarantees a criminal defendant the personal right to attend trial. . . . But when it comes to civil litigation, where the Sixth Amendment does not apply, history points in the other direction.").

To the extent Mason has attempted to argue a more general due process violation related to his access to the courts, Mason has had multiple opportunities and has still failed to allege a constitutionally protected right to a hearing for the review of a child support order or how Frank Spraglin's (a case worker for DHR CSE) or Knox's conduct caused the violation of that right. *See Griffin v. City of Opa-Locka*, 261 F.3d 1295, 1303 (11th Cir. 2001) (stating to bring a § 1983 claim, a plaintiff must claim he was deprived of a federal right by a person acting under color of state law); *Zatler v. Wainwright*, 802 F.2d 397, 401 (11th Cir. 1986) (explaining § 1983 "requires proof of an affirmative causal connection between the official's acts or omissions and the alleged constitutional deprivation"). In the R&R, the magistrate judge warned that Mason's failure to comply with the directive to clarify the disconnect between his claims and his requests for relief would result in a *sua sponte* dismissal. The magistrate judge also stated Mason should clarify his causes of action and the defendants implicated. Even though Mason filed an amended complaint that the magistrate judge explained generally complied with its directives, he still failed to allege any facts to support a claim against Spraglin or Knox or connect them to any deprivation of a federal right. The district court did not err in *sua sponte* dismissing Mason's claims under § 1983 for failure to state a claim because he did not identify a federal right of which the defendants deprived him.

AFFIRMED.