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United States Court of Appeals
Tenth Circuit

May 1, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

ARTHUR COPELAND; DAVID BRANDON SPURGIN; BRAD MCGAHEY; DAVID BANKS; RYAN DORLAND; KENNETH GENTRY; JARRET JONES; JASON MIQUELI; TRAVIS OWENS; CHARLES RICKMAN; THOMAS RICO; NATHAN TURNER; DANIEL WEST; DE'UNDRE WOODARD; CALEB BYRD; CHARLES GREENHAW; KEITH ALSPAUGH; BOBBY NICHOLES; MICHAEL HARRELL; TITUS STATON; CALEB KLEIER; DWAYNE MOSS; STEVE COOK; MICHAEL GREENHAW; PATRICK DOYLE; MICHAEL WELGE; MICHAEL MCCARTNEY; JERRY WALL; ROBERT NASHERT; CODY BUMPAS; JESSE BROWN; PABLO ANGELES; CLINTON MEYER; CRAIGORY BLUE; MARQUIS LUCKEY; STANLEY SHANE ALEXANDER; BRANDON MILLS; JOE COTRONE; NATHAN TAYLOR; JASON VALLANDINGHAM; RYAN COLE; JACKIE JOHNSON; JOHNNY GILMORE; RAPHAEL GRAJEDA; BRIAN PEARSON; JOSH FORAN; TERRY MCCRACKEN; MICHAEL HARPER; MICHAEL WYCHE; IKAIKA KAMAI; JASON BAKER; CLINTON HARMS; SHANE O'NEAL,

Plaintiffs - Appellants,

v.

C.A.A.I.R., a domestic not for profit corporation; SIMMONS FOODS, INC., a

No. 21-5024
(D.C. No. 4:17-CV-00564-TCK-JFJ)
(N.D. Okla.)

foreign for profit business corporation; SIMMONS PET FOOD, INC.; JANET WILKERSON; DON WILKERSON; LOUISE DUNHAM; JIM LOVELL,

Defendants - Appellees.

THOMAS GATES; JAMES STAFFORD; DARRELL WILSON,

Amici Curiae.

ORDER AND JUDGMENT*

Before **HOLMES**, Chief Judge, **KELLY**, and **CARSON**, Circuit Judges.

Plaintiffs-Appellants in this case are a putative class of former state-court criminal defendants (collectively, "Plaintiffs" or "Appellants"). In lieu of incarceration, state sentencing courts ordered Plaintiffs to complete a drug and alcohol treatment program administered by Christian Alcoholics and Addicts in Recovery ("CAAIR"), of which defendants Janet Wilkerson, Don Wilkerson, and Louise Dunham are officials (collectively with CAAIR, the "CAAIR Defendants").[1]

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with FED. R. APP. P. 32.1 and 10th Cir. R. 32.1.

[1] Jim Lovell, another CAAIR official, was also a defendant in this matter, but CAAIR filed notice of Mr. Lovell's death on October 12, 2020.

As part of CAAIR's treatment program, participants—as relevant here, criminal defendants under court jurisdiction—perform labor for private entities that partner with CAAIR. Two such entities are defendants Simmons Foods, Inc. and Simmons Pet Food, Inc. (collectively, "Simmons"), a poultry-processing plant and affiliated pet-food company, respectively, for which Plaintiffs worked as part of CAAIR's treatment program.

Plaintiffs filed a complaint in federal court against the CAAIR Defendants and Simmons (collectively, "Defendants" or "Appellees") alleging that they violated various federal and state statutes prohibiting forced-labor and requiring payment of minimum wages. With respect to four named plaintiffs, Defendants filed a motion to dismiss for lack of subject-matter jurisdiction pursuant to the *Rooker-Feldman* doctrine, which derives from *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).[2] Under those cases and subsequent Supreme Court decisions refining the doctrine, lower federal courts do not have subject-matter jurisdiction over actions in which a plaintiff seeks, in effect, appellate review of a prior state-court judgment awarded against the plaintiff.

The district court held that the *Rooker-Feldman* doctrine barred the four named plaintiffs' claims, concluding that their claims attempted to reverse the state-court orders requiring them to complete CAAIR's treatment program and that the

[2] The *Rooker-Feldman* doctrine is a rule of subject-matter jurisdiction. *See Bear v. Patton*, 451 F.3d 639, 641 n.2 (10th Cir. 2006).

state-court orders caused the injuries for which the plaintiffs sought redress. In a subsequent order, the district court also appears to have dismissed the remaining plaintiffs' claims under the *Rooker-Feldman* doctrine. Exercising jurisdiction pursuant to 28 U.S.C. § 1291, we now **reverse** the district court's order dismissing the four named plaintiffs' claims and **remand** the case with instructions to the court to **vacate in full** its judgment and conduct further proceedings consistent with this order and judgment.

I

A

CAAIR, based in Jay, Oklahoma, advertises itself as a "residential addiction-recovery program." *Copeland v. C.A.A.I.R., Inc.*, No. 17-cv-564, 2020 WL 7265847, at *1 (N.D. Okla. Dec. 10, 2020); Aplts.' App., Vol. IV, at 1108 (Defs.' Mot. to Dismiss for Lack of Subject Matter Jurisdiction, Ex. 1, Decl. of Janet Wilkerson, filed Nov. 22, 2019). According to its Chief Executive Officer, defendant Janet Wilkerson, CAAIR "realizes this mission through a program of work training, individual and group counseling, N[arcotics] A[nonymous] and A[lcoholics] A[nonymous] classes, life skill courses, weekly Bible study and church attendance." *Copeland*, 2020 WL 7265847, at *1; Aplts.' App., Vol. IV, at 1108. Many of CAAIR's participants come to it through the criminal justice system, including by way of Oklahoma's drug courts. *See* Aplts.' App., Vol. VII, at 1705 (Pls.' Third Am.

Compl., filed July 7, 2020);[3] *cf. id.*, Vol. IV, at 1109 (stating that CAAIR advises sentencing courts, including various drug courts at issue in this case, as to the core features of its program). As part of what it describes as its "work-based" rehabilitative model, CAAIR requires participants to "perform work at . . . nearby work-providers." *Copeland*, 2020 WL 7265847, at *1; Aplts.' App., Vol. IV, at 1108. Simmons, which operates multiple poultry processing plants in Oklahoma, Missouri, and Arkansas, is a work provider for CAAIR.

CAAIR participants are not paid to work at Simmons and other work providers. Instead, Defendants have introduced evidence indicating that CAAIR participants agree that they are "client[s]" and not "employee[s]" of CAAIR, that they will not be paid for their work, that they may be discharged from CAAIR for

[3] In recounting the factual allegations, we refer where possible to the Third Amended Complaint, which Plaintiffs filed pursuant to leave of the district court on July 7, 2020, after Defendants filed their *Rooker-Feldman* motion but before the district court granted that motion. The Third Amended Complaint is now the operative complaint. *See Rockwell Int'l Corp. v. United States*, 549 U.S. 457, 473–74 (2007) ("[W]hen a plaintiff files a complaint in federal court and then voluntarily amends the complaint, courts look to the amended complaint to determine jurisdiction."); *United States ex rel. Little v. Triumph Gear Sys., Inc.*, 870 F.3d 1242, 1252 (10th Cir. 2017) ("[T]he amended complaint—not the original complaint—is the starting point for the jurisdictional determination."); *Parker v. WI Waterstone, LLC*, 790 F. App'x 926, 929 (10th Cir. 2019) (unpublished) (determining whether subject-matter jurisdiction existed based on the plaintiff-appellant's amended complaint). Although the district court's order granting Defendants' *Rooker-Feldman* motion referred to the Second Amended Complaint, not the Third Amended Complaint, Plaintiffs concede that the Third Amended Complaint "did not moot any argument raised in the *Rooker-Feldman* Motion" because it is "based on the same factual predicate as the Second Amended Complaint." *See* Aplts.' Opening Br. at 2–3 n.1.

failing to complete their work, and that they are "free to leave at any time" but may face "consequences from the criminal justice system for the early departure." Aplts.' App., Vol. IV, at 1109. In turn, work-providers such as Simmons pay CAAIR—not CAAIR participants—for the work that the participants perform at its facilities. *See Copeland*, 2020 WL 7265847, at *1.

B

Plaintiffs-Appellants are fifty-three former state-court criminal defendants.[4] Each plaintiff participated in the CAAIR program by working at a Simmons plant. Although it is not entirely clear from the record how each plaintiff arrived at CAAIR, the parties' briefing in the district court and on appeal implies that a state court ordered each of them to complete the CAAIR program, typically in lieu of a portion of their terms of imprisonment. *See* Aplts.' Opening Br. at 16–17 ("Plaintiffs are former criminal defendants who entered an ostensible 'treatment' program as part of state court plea agreements."); Aplees.' Resp. Br. at 3 ("Plaintiffs are a group of 53 former state-court criminal defendants, all of whom were ordered to complete the CAAIR program in lieu of incarceration." (footnote omitted)); Aplts.' App., Vol. VI, at 1680 (Pls.' Resp. to Defs.' Mot. for Partial J. on the Pleadings, filed Apr. 16, 2020) (stating that Plaintiffs were "court-ordered" participants in CAAIR).

[4] This case included fifty-five plaintiffs when the district court entered its judgment, but plaintiffs Dexter Mackay and Gilbert Sanders do not join this appeal.

In October 2017, plaintiffs Arthur Copeland, Brandon Spurgin, and Brad McGahey filed a putative class complaint against CAAIR and Simmons Foods, Inc., which was later amended to include Simmons Pet Food, Inc., as well as CAAIR officials Janet Wilkerson, Don Wilkerson, Louise Dunham, and Jim Lovell. In their Second Amended Complaint, Plaintiffs asserted fifteen causes of action, alleging that Defendants violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 206, 207 (Counts 1 and 2); the Racketeer Influenced and Corrupt Organizations ("RICO") Act, 18 U.S.C. §§ 1961, 1962 (Counts 3 and 4); the Trafficking Victims Protection Reauthorization Act ("TVPRA"), 18 U.S.C. §§ 1584, 1589, 1590, 1595 (Counts 12, 13, and 14); an Oklahoma human trafficking statute, Okla. Stat. Ann. §§ 748, 748.2 (Count 5); Arkansas, Oklahoma, and Missouri state minimum wage laws (Counts 6, 7, 8, 9, and 11); Missouri common law prohibiting unjust enrichment (Count 10); and the Thirteenth Amendment to the United States Constitution (Count 15). *See* Aplts.' App., Vol. II, at 283–97 (Pls.' Second Am. Compl., filed Dec. 6, 2017); *see also id.*, Vol. VII, at 1724–41 (asserting same counts in the Third Amended Complaint, except for the Thirteenth Amendment claim in Count 15, which, as explained *infra*, the district court dismissed before Defendants filed their *Rooker-Feldman* motion).[5]

[5] Plaintiffs sued the individual defendants under the FLSA, the Oklahoma minimum wage and overtime law, the Oklahoma human trafficking law, and the TVPRA. Ms. Wilkerson is sued under one of the RICO counts as well. The rest of the claims involve only CAAIR and Simmons as entities.

Plaintiffs allege that CAAIR failed to provide treatment services and instead exploited their unpaid labor to enrich Simmons and CAAIR executives. They allege that CAAIR and Simmons forced them to perform "grueling and frequently dangerous" work for long hours without pay. *Id.*, Vol. I, at 275; *id.*, Vol. VII, at 1705. CAAIR allegedly prevented some plaintiffs from accessing medical treatment following injuries they sustained while working at Simmons. If CAAIR or Simmons deemed their work unsatisfactory or the plaintiffs "complain[ed] that they [could not] work due to injuries," officials allegedly "threaten[ed] to send the putative class members to prison." *Id.*, Vol. I, at 276; *see also id.*, Vol. VII, at 1719. Plaintiffs also allege that CAAIR "files workers compensation claims on behalf of its injured residents, and then keeps every penny paid for such claims." *Id.*, Vol. I, at 276; *id.*, Vol. VII, at 1719. Plaintiffs seek economic damages for their unpaid minimum and overtime wages and liquidated damages under the FLSA; economic, non-economic, and punitive damages—among other forms of relief—in connection with their forced-labor and human-trafficking claims; a declaratory judgment that the Defendants willfully, knowingly, and intentionally violated the relevant laws; and any other legal and equitable relief that the court may deem proper. *See id.*, Vol. II, at 297–98; *id.*, Vol. VII, at 1741–43.

The CAAIR Defendants filed an answer. Simmons moved to dismiss for failure to state a claim and failure to join the State of Oklahoma as a necessary and indispensable party under Rules 12(b)(6) and 12(b)(7) of the Federal Rules of Civil Procedure, respectively.

The district court granted in part and denied in part Simmons's motion to dismiss. With respect to Simmons's Rule 12(b)(6) motion, the court dismissed Count 14—one of the TVPRA claims—as to Simmons, and it dismissed Count 15—the Thirteenth Amendment claim—as to all Defendants, which Plaintiffs did not oppose. The court denied the Rule 12(b)(6) motion with respect to all other claims. It also denied Simmons's Rule 12(b)(7) motion.

Defendants thereafter jointly moved to dismiss four named plaintiffs—Brad McGahey, Arthur Copeland, Craigory Blue, and Dwayne Moss—for lack of subject-matter jurisdiction under Rule 12(b)(1). According to Defendants, the *Rooker-Feldman* doctrine barred the four plaintiffs' claims because they sought to "effectively reverse or undo [the] final state-court decision[s]" sentencing them to CAAIR. Aplts.' App., Vol. IV, at 1088 (Defs.' Mot. to Dismiss for Lack of Subject Matter Jurisdiction, filed Nov. 22, 2019). Defendants argued Plaintiffs' "claimed injuries—being required to work without compensation and under threat of incarceration—are the direct result of the state-court orders sending them to CAAIR." *Id.* They further maintained that "[t]he essential element underlying each of Plaintiffs' claims is that their state sentencing courts should not have ordered them to complete the CAAIR program or face incarceration—that they should have been sent to some other recovery program, one that either does[] [not] have a work[ ]requirement or pays minimum wage." *Id.* at 1088–89.

Exhibits attached to Defendants' motion detail the circumstances under which each of the four plaintiffs entered the CAAIR program.[6] The exhibits reveal that state courts ordered each plaintiff to complete CAAIR, either through a revocation hearing or as an initial sanction. *See id.*, Vol. V, at 1219, 1260 (McGahey State Ct. Criminal File, filed Nov. 22, 2019) (Marshall County District Court ordering Mr. McGahey to complete CAAIR after a hearing for his probation violation); *id.* at 1266, 1312 (Blue State Ct. Criminal File, filed Nov. 22, 2019) (Marshall County District Court ordering Mr. Blue to complete CAAIR after he pleaded guilty to two counts of possession of a controlled substance); *id.* at 1347–48, 1373–74 (Moss State Ct. Criminal File, filed Nov. 22, 2019) (Adair County District Court ordering Mr. Moss to complete an "in[]patient alcohol treatment" program after he violated his probation); *id.*, Vol. VI, at 1407–08, 1412 (Copeland State Ct. Criminal File, filed Nov. 22, 2019) (Grady County District Court ordering Mr. Copeland to complete CAAIR for violating the terms of the drug court program).

[6] As we explain further, *infra*, Defendants-Appellees have mounted a factual attack to subject-matter jurisdiction. In a factual attack, a defendant "goes beyond the allegations in the complaint and adduces evidence to contest jurisdiction." *Baker v. USD 229 Blue Valley*, 979 F.3d 866, 872 (10th Cir. 2020). Defendants relied on exhibits attached to their motion to dismiss that contain evidence beyond the facts Plaintiffs alleged, as is permissible in a factual attack. *See id.* In their opposition, Plaintiffs never contested Defendants' reliance on this evidence or introduced evidence of their own. The district court concluded that Defendants had raised a factual challenge and relied on the evidence Defendants adduced. *See Copeland*, 2020 WL 7265847, at *1–6. On appeal, Appellants do not argue that the district court erred in treating Defendants' motion as a factual attack or in considering evidence outside the pleadings. In light of the foregoing, we consider this evidence in assessing subject-matter jurisdiction.

The state courts also informed each plaintiff that if he failed to complete the CAAIR program, he would be subject to further proceedings, which could lead to a term of imprisonment. *See id.*, Vol. V, at 1255–58 (informing Mr. McGahey that CAAIR "is a lot of work" and that he should not "try to play fast and loose with the rules or they'll kick you out and then you'll end up in the penitentiary if they kick you out"); *id.* at 1296–97 (warning Mr. Blue that he would "work and work hard" at CAAIR and if Mr. Blue "d[id] well" he would "receive a favorable sentence, probably probation," but would not receive a favorable sentence if he did not complete the program); *id.* at 1353–54 (ordering Mr. Moss to complete a six-month treatment program, without specifying CAAIR, and warning him that if he were to "fail the inpatient, . . . get kicked out, . . . [or] leave," he would go to prison for five years); *id.*, Vol. VI, at 1413, 1415 (ordering Mr. Copeland to complete CAAIR "in lieu of termination" as a "sanction[]" and that "if [he] fails to complete CAAIR[,] termination proceedings . . . will resume"). Each plaintiff signed intake documents acknowledging that he would work forty hours per week, that he was not an employee of CAAIR, that CAAIR would not pay him for his work in the program, that he was free to leave at any time, and that he had to comply with the rules of the program to remain at CAAIR. *See id.*, Vol. V, at 1153, 1157–58, 1160 (McGahey CAAIR File Excerpts, filed Nov. 22, 2019); *id.* at 1172–75 (Blue CAAIR File Excerpts, filed Nov. 22, 2019); *id.* at 1188–90 (Moss CAAIR File Excerpts, filed Nov. 22, 2019); *id.* at 1198, 1200–01 (Copeland CAAIR Files Excerpts, filed Nov. 22, 2019).

In their opposition, Plaintiffs asserted that the *Rooker-Feldman* doctrine was inapplicable because "[i]f there is some other source of injury, such as a third party's actions, then the plaintiff asserts an independent claim." *Id.*, Vol. VI, at 1436 (Pls.' Opp'n to Defs.' Mot. to Dismiss for Lack of Subject Matter Jurisdiction, filed Dec. 13, 2019) (emphasis omitted) (quoting *McCormick v. Braverman*, 451 F.3d 382, 393 (6th Cir. 2006)). Plaintiffs did not submit any evidence beyond what was already in the record to challenge the CAAIR Defendants' position.

C

The district court granted Defendants' motion to dismiss for lack of subject-matter jurisdiction. *See Copeland*, 2020 WL 7265847, at *9. Apparently copying substantial portions of Defendants' motion, *compare id.* at *1–9, *with* Aplts.' App., Vol. IV, at 1089–1104, the court concluded that the *Rooker-Feldman* doctrine barred the four named plaintiffs' claims. *See Copeland*, 2020 WL 7265847, at *9. On the same day, the court entered judgment "for the Defendants and against the Plaintiffs," thereby dismissing the claims of *all* the plaintiffs. Aplts.' App., Vol. VIII, at 2163 (Entry of J., dated Dec. 10, 2020).

Plaintiffs then filed a Rule 59(e) Motion to Vacate, Alter, and Amend the judgment. They argued that the court erred because (1) it dismissed the entire action when Defendants' motion applied only to four named plaintiffs, (2) the court's order constituted a nearly verbatim incorporation of Defendants' motion, and (3) the court failed to consider Plaintiffs' arguments and authorities. Defendants responded that "[w]hile [their] motion may have discussed only four Plaintiffs, the Court

nonetheless recognized that the same analysis was applicable to all Plaintiffs," and reiterated their arguments that Plaintiffs had failed to meet their burden. *Id.* at 2207 (Opp'n to Pls.' Rule 59(e) Mot., filed Jan. 28, 2021). In a minute order, the district court denied the Rule 59(e) motion. *See id.* at 2236–37 (Minute Order, dated Feb. 18, 2021). Plaintiffs then appealed from the district court's opinion and judgment granting Defendants' *Rooker-Feldman* motion and the district court's order denying Plaintiffs' Rule 59(e) motion.

II

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We review de novo the district court's order dismissing Plaintiffs' claims for lack of subject-matter jurisdiction, and we review "any factual findings relevant to the court's jurisdiction for clear error." *Mo's Express, LLC v. Sopkin*, 441 F.3d 1229, 1233 (10th Cir. 2006); *see also Guttman v. Khalsa*, 446 F.3d 1027, 1031 (10th Cir. 2006).

Because *Rooker-Feldman* is a doctrine of subject-matter jurisdiction, *see Bear v. Patton*, 451 F.3d 639, 641 n.2 (10th Cir. 2006), the same standards that apply generally to Rule 12(b)(1) motions to dismiss apply when analyzing a *Rooker-Feldman* defense, *see Graff v. Aberdeen Enterprizes, II, Inc.*, --- F.4th ----, 2023 WL 2860386, at *2 (10th Cir. 2023). On a Rule 12(b)(1) motion, "[t]he moving party may (1) facially attack the complaint's allegations as to the existence of subject matter jurisdiction, or (2) go beyond allegations contained in the complaint by presenting evidence to challenge the factual basis upon which subject matter

jurisdiction rests." *Merrill Lynch Bus. Fin. Servs., Inc. v. Nudell*, 363 F.3d 1072, 1074 (10th Cir. 2004).

As referenced *supra*, Defendants-Appellees raised a factual attack by presenting evidence outside the pleadings that, they argue, undermines the factual basis for subject-matter jurisdiction. When addressing a factual attack, "a court 'may not presume the truthfulness of the factual allegations in the complaint, but may consider evidence to resolve disputed jurisdictional facts.'" *Graff*, 2023 WL 2860386, at *2 (quoting *SK Fin. SA v. La Plata Cnty., Bd. of Cnty. Comm'rs*, 126 F.3d 1272, 1275 (10th Cir. 1997)). "Reference to evidence outside the pleadings does not convert the motion to dismiss into a motion for summary judgment . . . ." *SK Fin. SA*, 126 F.3d at 1275.

III

The *Rooker-Feldman* doctrine "is a jurisdictional prohibition on lower federal courts exercising appellate jurisdiction over state-court judgments." *Campbell v. City of Spencer*, 682 F.3d 1278, 1281 (10th Cir. 2012). "[I]t arises by negative inference from 28 U.S.C. § 1257(a), which allows parties to state court judgments to seek direct review in the Supreme Court of the United States, but not to appeal to the lower federal courts." *Mo's Express*, 441 F.3d at 1233.

In *Rooker*, the Court held that a district court lacked subject-matter jurisdiction over claims seeking a declaration that a state-court judgment was "null and void" because the judgment allegedly violated various provisions of the United States Constitution. *See* 263 U.S. at 414–15. *Rooker* explained that Congress committed

jurisdiction "to reverse or modify [a state-court] judgment for errors of that character" to the United States Supreme Court and not to any other federal court. *Id.* at 416. In *Feldman*, the District of Columbia Court of Appeals had affirmed decisions denying requests to waive a rule under which only graduates of approved law schools may apply for admission to the District of Columbia bar. *See* 460 U.S. at 465–72. The applicants then challenged the District of Columbia court's decisions in federal district court, arguing that they violated the Fifth Amendment and federal antitrust laws. *See id.* at 468–69, 471–73. *Feldman* held that the district court lacked jurisdiction over claims directly challenging the District of Columbia court's decisions—*viz.*, decisions rendered by a court of a quasi-state—which declined to waive the bar-application rule; the claims "required the District Court to review a final judicial decision of the highest court of a jurisdiction in a particular case." *Id.* at 486–87. However, *Feldman* also held that the district court retained jurisdiction over claims asserting that the rule itself "is unconstitutional," which did "not require review of [the District of Columbia court's] judicial decision." *Id.* at 487.

Responding to lower-court decisions construing the doctrine "to extend far beyond the contours of the *Rooker* and *Feldman* cases," the Supreme Court clarified the "narrow ground" *Rooker-Feldman* occupies. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283–84 (2005). *Exxon Mobil* held that "[t]he *Rooker-Feldman* doctrine . . . is confined to cases of the kind from which the doctrine acquired its name." *Id.* at 284. It precludes subject-matter jurisdiction in lower federal courts only in "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." *Id.*

Our inquiry under "*Rooker-Feldman*'s jurisdictional bar is claim specific." *Graff*, 2023 WL 2860386, at *8; *see also Campbell*, 682 F.3d at 1281, 1284–85 (concluding *Rooker-Feldman* barred the plaintiff's Fifth and Eighth Amendment claims but not his Fourth Amendment claim); *Behr v. Campbell*, 8 F.4th 1206, 1213 (11th Cir. 2021) (applying a "claim-by-claim approach"). A claim-by-claim approach comports with *Feldman*, which held that the doctrine barred claims challenging the District of Columbia court's decisions themselves as arbitrary and capricious, but not claims challenging the constitutionality of the rule underlying those decisions. *See* 460 U.S. at 486–87.

IV

Appellants challenge the district court's decision on three grounds. First, as a substantive matter, they argue the district court erred in holding that the *Rooker-Feldman* doctrine bars their claims, insofar as they relate to the four named plaintiffs. Second, irrespective of our decision on the first point—as a matter of fair process—Appellants request that we reverse the district court's judgment as to all but the four named plaintiffs addressed in the *Rooker-Feldman* motion because the court did not specifically analyze whether *Rooker-Feldman* precludes the claims of the other plaintiffs. Finally, mounting another process-based challenge, Appellants argue that the district court committed reversible error by effectively copying Defendants' motion without addressing the Plaintiffs' counterarguments. We conclude that the

Rooker-Feldman doctrine does not bar Plaintiffs' claims insofar as they relate to the four named plaintiffs,[7] and therefore have no need to reach the second and third arguments Appellants raise.[8]

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[7] As we have discussed, the district court's initial order granting the *Rooker-Feldman* motion applied only to the four named plaintiffs, and we reverse that order here. *See* Aplts.' App., Vol. VIII, at 2146, 2162. The district court's subsequent judgment dismissing the remaining plaintiffs simply referred, in laconic fashion, to its previous order dismissing the four named plaintiffs—without offering any specific analysis or reasoning. *See id.* at 2163 ("Pursuant to the Order granting the Defendants' Joint Motion to Dismiss . . . the Court enters judgment for the Defendants and against the Plaintiffs." (citation omitted)). It is very likely that the court intended to incorporate its *Rooker-Feldman* reasoning from its prior dismissal order involving the four named plaintiffs as the basis for its dismissal of the other plaintiffs. If so, as a matter of substance, the reasoning that we articulate here in reversing the court's order as to the four named plaintiffs should dictate the outcome the court should reach as to any *Rooker-Feldman* challenges to the claims of the remaining plaintiffs. However, absent specific reasoning from the district court regarding the remaining plaintiffs, we content ourselves with simply vacating the judgment as to them and directing the court to proceed as to any *Rooker-Feldman* challenges to claims relating to them in a manner consistent with this order and judgment.

[8] Three CAAIR graduates, who are not plaintiffs in this case, seek leave to file an amici curiae brief in support of Defendants-Appellees (the "CAAIR Amici"). *See* Mot. for Leave to File Amici Curiae Br. of Three CAAIR Graduates [hereinafter Amici Mot.]. A motion for leave to file an amicus brief must state "the movant's interest" as well as "the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case." FED. R. APP. P. 29(a)(3). As recovering addicts, the CAAIR Amici have a stated interest in the continuing viability of organizations that provide addiction-recovery services, including CAAIR. *See* Amici Mot. at 2. Further, part of our *Rooker-Feldman* analysis examines the nature of CAAIR's rehabilitative model, which the CAAIR Amici also address. *See* Br. of Three CAAIR Graduates as Amici Curiae Supporting Defendants-Appellees, at 14–15 [hereinafter Amici Br.] (explaining the benefits of a work-based rehabilitation model, including the opportunity to develop coping skills—other than resorting to substances—while undergoing the stresses of daily life and with community support). In light of the foregoing, we deem there to be a sufficient basis for **granting** the motion.

Regarding *Rooker-Feldman*, Appellants concede that they filed their federal suits after the state courts issued their relevant judgments, *see* Aplts.' Opening Br. at 24, which satisfies one of the requirements under *Exxon Mobil*, *see* 544 U.S. at 284. But Appellants maintain that they are not "state court losers," Aplts' Opening Br. at 20–24, that the state-court judgments did not "cause[]" their injuries, *id.* at 24–34, and that their federal claims do not request "rejection of [the state-court] judgments," *id.* at 34–36. We agree with Appellants that the state-court orders did not cause their injuries for purposes of the *Rooker-Feldman* doctrine and, as such, we need not reach the doctrine's other elements in this appeal. *See, e.g.*, *D.A. Osguthorpe Fam. P'ship v. ASC Utah, Inc.*, 705 F.3d 1223, 1232 (10th Cir. 2013) (declining to dismiss claims under *Rooker-Feldman* because state-court proceedings were not "final," without addressing other elements of the *Rooker-Feldman* doctrine).

The *Rooker-Feldman* doctrine "only applies when the injury alleged by the plaintiffs was 'caused by [the] state-court judgment[].'" *Mo's Express*, 441 F.3d at 1237 (alterations in original) (quoting *Exxon Mobil*, 544 U.S. at 284). To establish causation, "an element of the [federal-court] claim must be that the state court wrongfully entered its judgment." *Campbell*, 682 F.3d at 1283. A state-court judgment does not cause an injury for which a plaintiff seeks redress in federal court if the plaintiff "could raise the same claims even if there had been no state-court proceedings." *Id.* at 1285; *see also Bolden v. City of Topeka, Kan.*, 441 F.3d 1129, 1145 (10th Cir. 2006) ("*Rooker-Feldman* does not bar federal-court claims that would be identical even had there been no state-court judgment . . . .").

Although neither the district court nor the parties on appeal have delineated between Plaintiffs' claims when addressing the *Rooker-Feldman* doctrine, our precedents call for a claim-by-claim approach. *See, e.g.*, *Graff*, 2023 WL 2860386, at *8; *Campbell*, 682 F.3d at 1284–85. For these purposes, Plaintiffs' claims break down into two categories. The first consists of wage-related claims asserted in Counts 1, 2, 6, 7, 8, 9, 10, and 11. Generally speaking, these claims all turn on Defendants' failure to pay Plaintiffs a minimum wage and overtime, as allegedly required under the FLSA and related state wage laws. The second category consists of forced-labor claims asserted in Counts 3, 4, 5, 12, 13, and 14. These claims generally assert that Defendants violated the TVPRA, RICO, and related state forced-labor and human-trafficking laws by threatening harm, including imprisonment, if Plaintiffs failed to work under the conditions Defendants imposed. Because the analysis differs for each category, we analyze causation separately as to the wage-related claims and the forced-labor claims.[9]

[9] When pressed on this issue at oral argument, neither party disagreed that the *Rooker-Feldman* doctrine calls for a claim-by-claim approach or disputed the propriety of our analyzing the wage-related claims and forced-labor claims as separate categories. Instead, both parties simply argued that the outcome of our inquiry into the applicability (or not) of the *Rooker-Feldman* doctrine would be the same as to all of Plaintiffs' claims—even if we employ a claim-by-claim approach involving the two categories of claims. *See* Oral Arg. at 1:05–3:12 (Appellants arguing that the doctrine does not apply to either category because Defendants, not the state-court orders, caused Plaintiffs' injuries); *id.* at 17:00–18:32 (Appellees arguing that the state-court orders caused Plaintiffs' injuries under all their claims because the orders forced them to work under threat of imprisonment, and that even with respect to the wage-related claims, the orders caused their injuries because they "put [Plaintiffs] in the position of having to work without pay"). Recognizing that the *Rooker-Feldman* doctrine calls for a claim-by-claim approach, and without any

Before analyzing these claims under the *Rooker-Feldman* doctrine, we must address an issue Appellees raise concerning the applicable standard of review. Appellees argue that causation under the *Rooker-Feldman* doctrine is a factual issue we must review for clear error. *See* Aplees.' Resp. Br. at 21–23. And they further claim that because they brought a factual attack, "the court 'may not presume the truthfulness of the complaint's factual allegations,' but rather must require 'the plaintiff . . . to present affidavits or other evidence sufficient to establish the court's subject matter jurisdiction by a preponderance' standard." *Id.* at 20 (omission in original) (citation omitted) (first quoting *Holt v. United States*, 46 F.3d 1000, 1003 (10th Cir. 1995); and then quoting *Southway v. Cent. Bank of Nigeria*, 328 F.3d 1267, 1274 (10th Cir. 2003)).

We reject the suggestion that causation under the *Rooker-Feldman* doctrine is an inherently factual question that we review for clear error. Our precedents emphasize repeatedly that "[w]e review the application of the *Rooker-Feldman* doctrine de novo." *Miller v. Deutsche Bank Nat'l Tr. Co. (In re Miller)*, 666 F.3d 1255, 1260 (10th Cir. 2012). And our de novo review includes consideration of whether a state-court judgment caused the plaintiff's injuries. *See Graff*, 2023 WL 2860386, at *10 (applying de novo review in holding the "district court erred in concluding any aspect of the [complaint] amounts to a complaint of injury caused by

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disagreement or proposed alternative approach from the parties, we proceed using the two categories discussed here.

a state court judgment"); *Campbell*, 682 F.3d at 1281, 1283–85 (reviewing de novo the district court's *Rooker-Feldman* determination that a state-court judgment caused a plaintiff's injuries). The causation inquiry turns on whether it is an "element" of the plaintiff's claims that the state courts "wrongfully entered" their judgments—a legal issue we have consistently subjected to de novo review. *Campbell*, 682 F.3d at 1281, 1283–85; *see also Graff*, 2023 WL 2860386, at *10.

If the district court's causation determination rested on specific factual findings it reached following a factual attack, we would review those findings for clear error. *See Mo's Express*, 441 F.3d at 1233 (explaining that we review "any factual findings relevant to the court's jurisdiction for clear error"). But we would do so only if those factual findings were in dispute on appeal. Here, Appellees cite to record evidence on which the district court relied in reaching its causation determination. *See* Aplees.' Resp. Br. at 25–26 (citing evidence that CAAIR is a work-based recovery program requiring participants to work full-time without pay, that noncompliance with CAAIR's rules may result in discharge from the program, that participants are free to leave but may face consequences from the criminal justice system for doing so, and that CAAIR advises sentencing courts of these features). There is no indication, however, that Plaintiffs have challenged any of these factual findings for purposes of subject-matter jurisdiction. Rather, the issue that they have presented here is whether these facts are *legally sufficient* to establish causation under the *Rooker-Feldman* doctrine. As we have explained, that is a legal determination we review de novo. *See, e.g.*, *Graff*, 2023 WL 2860386, at *3, *10

(applying de novo review to causation determination under *Rooker-Feldman* because the facts underlying a purported factual attack were not "contested" and "the parties [simply] contest[ed] their legal significance").[10]

Applying de novo review, we conclude that the state-court judgments did not cause the injuries Plaintiffs allege under either the wage-related or forced-labor claims. Accordingly, we hold that the *Rooker-Feldman* doctrine did not deprive the district court of subject-matter jurisdiction in this case.

A

We begin with the wage-related claims. Although the district court did not delineate between Plaintiffs' claims in applying the *Rooker-Feldman* doctrine, it concluded that the state-court orders caused the injuries for which Plaintiffs seek redress in their wage-related claims because the orders sent Plaintiffs to CAAIR. *See Copeland*, 2020 WL 7265847, at *8–9 ("Plaintiffs' claimed injuries—being required to work without compensation, under threat of incarceration—are the direct result of the state-court orders sending them to CAAIR."). We disagree that the state-court orders caused the injuries underlying Plaintiffs' wage-related claims.

At the outset, we must address the relevant scope of the state-court order or judgment for purposes of the *Rooker-Feldman* analysis—an inquiry that is important

[10] Appellees claim that because Plaintiffs failed to present evidence in response to the factual attack, we must "presume[]" causation. Aplees.' Resp. Br. at 21 (quoting *Kline v. Biles*, 861 F.3d 1177, 1180 (10th Cir. 2017)). But nothing prevents Plaintiffs from accepting the facts Defendants adduced and arguing that they still fail to establish causation under *Rooker-Feldman* as a legal matter.

in determining whether the state-court decisions caused Plaintiffs' injuries. Appellees insist that by ordering Plaintiffs to attend CAAIR, the state courts implicitly ordered them to participate in a work-based program without compensation given that CAAIR provided information to the state courts concerning its core features. But the text of the state-court orders requiring Plaintiffs to attend CAAIR do *not* mention compensation. *See* Aplts.' App., Vol. V, at 1260 (McGahey Order); *id.* at 1312 (Blue Order); *id.* at 1373–74 (Moss Order); *id.*, Vol. VI, at 1412 (Copeland Order). Causation therefore turns in part on whether we define the order based only on its text, or whether we may also consider the state courts' pronouncements during the sentencing hearings and information the courts ostensibly knew about CAAIR when ordering Plaintiffs to attend the program.

Although we have not addressed this question explicitly, nothing in our caselaw suggests that we may look beyond the text of the order in determining whether it caused a plaintiff's injuries. Our cases focus on the orders or judgments themselves when assessing whether the *Rooker-Feldman* doctrine applies. For example, in *Bolden*, we explained that the relevant state-court judgment authorized a municipality to demolish the plaintiff's property. *See* 441 F.3d at 1132. We then held that *Rooker-Feldman* did not bar the plaintiff's federal civil rights claims against the municipality because "all the state-court judgment did was permit the City to demolish [the plaintiff's] buildings—it did not require their demolition." *Id.* at 1145 (emphases omitted). Similarly, in *Campbell*, we explained that the state court ordered the plaintiff to forfeit her horses based on apparent mistreatment and also set

a bond sufficient to cover the cost to the municipality of caring for the horses. *See* 682 F.3d at 1280. We held that *Rooker-Feldman* barred the plaintiff's Fifth and Eighth Amendment claims premised on an unlawful taking and an excessive fine, respectively, because the state court's order explicitly required forfeiture and imposed the bond. *See id.* at 1284–85. These decisions thus focus on the state-court judgment itself, and nothing more.

Because Appellees do not identify any authority suggesting that we may characterize the scope of the state-court orders in light of what the state courts subjectively knew about CAAIR, we decline to do so here.[11] Even if we were willing to go so far as to assume *arguendo* that the pronouncements by state-court judges during sentencing hearings—an admittedly more objective touchstone—could be viewed as part and parcel of state-court orders for *Rooker-Feldman* purposes, the orders still did not cause the injuries for which Plaintiffs seek redress through their

[11] In fact, the district court did not even definitively find that the state sentencing judges involved in this matter *knew* CAAIR would not compensate Plaintiffs when ordering them to complete the program. *See Copeland*, 2020 WL 7265847, at *1 (citing Aplts.' App., Vol. IV, at 1109) (crediting evidence that CAAIR provided information packets to sentencing courts stating that participants do not receive wages, *without* specifically finding that the state-court judges reviewed these packets or were otherwise subjectively aware that CAAIR would not pay Plaintiffs when issuing their orders). This gap in the evidence highlights a basis for our skepticism that *Rooker-Feldman* encompasses an inquiry into what a state-court judge subjectively knew when issuing an order or rendering a sentence: interpreting the doctrine in that manner could require parties—somewhat remarkably—to marshal affidavits and other evidence concerning the subjective knowledge of state-court judges as to the scope of the judgments they issued. Without any authority requiring us to assess what state-court judges subjectively knew when issuing their sentencing orders, we see no reason to do so in this case.

wage-related claims. Each statute underlying Plaintiffs' wage-related claims generally requires an "employer" to pay its "employees" a minimum "wage[]" for their work during a forty-hour workweek and an overtime wage for any hours worked over forty. *E.g.*, 29 U.S.C. §§ 206(a)(1), 207(a)(1); *see United Transp. Union Loc. 1745 v. City of Albuquerque*, 178 F.3d 1109, 1116 (10th Cir. 1999) ("Generally, the FLSA requires employers to pay employees a minimum wage for a forty-hour work week, as well as overtime for hours worked over forty per week.").[12] Plaintiffs allege that they were CAAIR or Simmons employees and that they did not receive a minimum wage and overtime pay for their work, as required under the relevant wage laws. *See* Aplts.' App., Vol. VII, at 1724–27, 1730–36. The judgments and pronouncements during the sentencing hearings ordered Plaintiffs to attend a work-based program, but both sources are silent as to whether Plaintiffs qualify as CAAIR or Simmons employees, or whether Plaintiffs were entitled to receive any compensation. *See, e.g.*, *id.*, Vol. V, at 1255–60 (state court colloquy with Mr.

[12] *See also* Ark. Code Ann. § 11-4-210(a) (providing "every employer shall pay each of his or her employees" certain specified minimum "wages"); Ark. Code Ann. § 11-4-211(a) (providing that with certain exceptions, "no employer shall employ any of his or her employees for a work week longer than forty (40) hours" without paying an overtime rate at one and one-half times the employee's regular wage); Mont. Rev. Stat. § 290.502(1) (providing "every employer shall pay to each employee" certain specified minimum "wages"); Mont. Rev. Stat. § 290.505(1) (providing "[n]o employer shall employ any of his employees for a workweek longer than forty hours" without paying an overtime rate at one and one-half times the employee's regular wage); Okla. Stat. tit. 40 § 197.2 (providing that with certain exceptions, "no employer within the State of Oklahoma shall pay any employee a wage of less than the current federal minimum wage for all hours worked").

McGahey explaining that CAAIR entailed "a lot of work," and state-court order sending Mr. McGahey to CAAIR, without discussion of compensation); *id.* at 1295–97, 1312 (same with respect to Mr. Blue); *id.* at 1353–55, 1373–74 (state court colloquy with Mr. Moss explaining that he would attend treatment program in lieu of incarceration, and state-court order sending him to CAAIR, neither of which discussed compensation);[13] *id.*, Vol. VI, at 1412–15 (state-court order requiring Mr. Copeland "to attend and complete the CAAIR program" without discussing compensation). Thus, not surprisingly, no "element" of Plaintiffs' wage-related claims even refers to the state-court judgments, let alone implies that the state courts entered these judgments "wrongfully." *See Campbell*, 682 F.3d at 1283.

Moreover, Plaintiffs' wage-related claims "would be identical even had there been no state-court judgment." *Bolden*, 441 F.3d at 1145. In *Bolden*, we held that a state-court judgment authorizing a municipality to demolish the plaintiff's property did not cause the injuries underlying his federal claims, which included the destruction of his property in violation of certain constitutional rights, because the state-court judgment merely permitted—but did not require—the demolition. *See id.* at 1132, 1145. As we explained, the plaintiff could have challenged the demolition on the same grounds even "if there had been no state-court proceeding." *Id.* at 1145.

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[13] In fact, to the extent Mr. Moss's state court colloquy discussed compensation, the state sentencing judge seemed to be under the impression that Mr. Moss might be compensated at CAAIR. *See* Aplts.' App., Vol. V, at 1355 ("In addition, we will put a hold on your fines and costs while you're [at CAAIR]. Now, *if you make any money while you're there* or anybody wants to pay on them while you're there, that's fine and well." (emphasis added)).

Similarly, even absent any state-court order requiring Plaintiffs to complete CAAIR under threat of imprisonment, they could have brought the same claims asserting that Defendants violated wage laws by failing to pay a minimum wage and overtime. Plaintiffs' wage-related claims do not refer to the state-court orders or depend on anything the orders required. *See, e.g.*, Aplts.' App., Vol. VII, at 1725 (alleging Defendants "violated the FLSA . . . by failing to pay minimum wages"). Because Plaintiffs can "prove [their wage-related] claims without any reference to the state-court proceedings," these claims do "not 'complain[] of injuries caused by [the state-court orders sending them to CAAIR].'" *Mayotte v. U.S. Bank Nat'l Ass'n*, 880 F.3d 1169, 1176 (10th Cir. 2018) (second alteration in original) (quoting *Campbell*, 682 F.3d at 1283).

The Eighth Circuit recently reached the same conclusion in a case involving nearly identical facts and two parties to this dispute. *See Fochtman v. Hendren Plastics, Inc.*, 47 F.4th 638, 642–44 (8th Cir. 2022). The plaintiffs in *Fochtman* were criminal defendants in Oklahoma and Arkansas who opted to complete their state drug-court sentences in an addiction-recovery program. *See id.* at 641–42. Some of the plaintiffs participated in CAAIR and worked at Simmons, although the plaintiffs who were parties to the Eighth Circuit appeal participated in a different program and worked for different companies. *See id.* at 642. Even so, the addiction-recovery program involved in the appeal employs essentially the same model as CAAIR, matching participants with companies for which the participants work without pay and for whose labor the program receives compensation from the companies. *See id.*

at 641–42. Certain plaintiffs filed a class action against the addiction-recovery program and the companies for which they worked, alleging, among other claims, that the defendants violated the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.*, by failing to pay them an adequate wage and overtime. *See Fochtman*, 47 F.4th at 642.

Speaking to the precise circumstances we face here, the Eighth Circuit held that the *Rooker-Feldman* doctrine did not bar the plaintiffs' wage-related claims. *Fochtman* concluded that the plaintiffs did "not complain of injuries caused by the drug-court judgments and did not ask the district court to review those judgments." *Id.* at 643. As the court explained:

> [The plaintiffs] do[] not challenge the drug court's decision to order [them] to participate in [the addiction-recovery program]; [they] argue[] that [the program] and [the company for which they worked] were required to pay certain wages to [them] after [they] entered the program.

Id. The appellees in *Fochtman* had argued—like Appellees do here—"that the state-court judgments also required participants to follow the rules of the [addiction-recovery] program," under which participants received no compensation. *Id.* at 641, 643. But the Eighth Circuit rejected that position, concluding that the "lawsuit concern[ed] whether [the defendants had] conformed to state law when they declined to pay wages, not whether the [plaintiffs] were required to comply with program requirements." *Id.* at 643. Thus, the court held that the *Rooker-Feldman* doctrine did not apply. And it reached that decision notwithstanding the fact that the plaintiffs worked in the addiction-recovery program under compulsion from state-court orders.

Although *Fochtman* does not bind our circuit, the similarities between that case and this one are striking and unmistakable, and we view the Eighth Circuit's decision as persuasive authority.

Both the district court and Appellees rely on our nonprecedential decision in *Market v. City of Garden City, Kansas*, 723 F. App'x 571 (10th Cir. 2017) (unpublished), but even if *Market* were binding authority (which it is not), it is inapposite in these circumstances. In *Market*, a municipal court convicted and sentenced the plaintiff to a term of imprisonment for driving under the influence. *See id.* at 571–72. The plaintiff later brought a challenge in federal court arguing that the municipal ordinances underlying her sentence violated her constitutional due-process rights. *See id.* at 572–73. A panel of this Court held that the *Rooker-Feldman* doctrine barred her federal claims because the injury she alleged, "illegally extended incarceration, stem[med] from the underlying conviction and sentencing." *Id.* at 574. For the plaintiff "to win," we explained, "the municipal court's judgment had to be wrong." *Id.* However, by contrast, because the state-court orders at issue here do not address compensation, Plaintiffs could succeed on their wage-related claims without challenging the orders themselves. *See id.* (distinguishing the circumstances presented in *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1 (1987), where "the state-court judgment could be correct and the enforcement mechanism could still be

unconstitutional").[14] The *Rooker-Feldman* doctrine therefore does not preclude jurisdiction over the wage-related claims.

B

We also conclude that, for purposes of the *Rooker-Feldman* doctrine, the state-court orders did not cause the injuries underlying Plaintiffs' forced-labor claims.

The district court concluded that the state-court orders caused the injuries for which Plaintiffs seek redress because the orders themselves required Plaintiffs to complete CAAIR under threat of imprisonment. *See Copeland*, 2020 WL 7265847, at *9 ("The fact that Plaintiffs' failure to complete the CAAIR program would have resulted in a lengthy prison term is not an injury traceable to Defendants. Rather, it is the actual and proximate result of Plaintiffs' state court criminal proceedings."). Assuming again that we may consider sentencing colloquies as part of the state-court orders, the premise underlying the district court's decision is correct as far as it goes. When sentencing each of the four plaintiffs whose claims Defendants moved to

[14] *Market* further concluded that the plaintiff impermissibly sought "to undo . . . her state-court punishment" through "compensatory damages," which "attempt to put plaintiffs in the position they would be in without the faulty imprisonment." 723 F. App'x at 574. The panel did not specify whether this analysis concerned causation for purposes of the *Rooker-Feldman* doctrine. Even assuming it did, here, Plaintiffs do not seek compensatory damages that are designed to put them in the position they would have occupied had the state courts not ordered them to complete a work-based program. Rather, without challenging the orders sending them to a work-based program, they seek compensation for their work during that program, *see* Aplts.' App., Vol. VII, at 1741 (requesting "[a]n award of unpaid minimum and overtime wages and liquidated damages"), which the laws pursuant to which they assert the wage-related claims allegedly required.

dismiss, the state courts explained that the plaintiffs would face imprisonment if they failed to complete CAAIR. *See* Aplts.' App., Vol. V, at 1256, 1258 (state court stating it would send Mr. McGahey to "the penitentiary" if he failed to complete CAAIR); *id.* at 1297 (stating Mr. Blue would not "get a good sentence" if he failed to complete CAAIR); *id.* at 1354 (stating Mr. Moss would go to prison if he failed to complete CAAIR); *id.*, Vol. VI, at 1415 (stating Mr. Copeland's "termination proceedings" in drug court would resume if he failed to complete CAAIR, albeit without specifically mentioning incarceration). If simply performing work under threat of imprisonment were the extent of the injuries that Plaintiffs asserted under their forced-labor claims, the district court may have been correct in concluding that the state-court orders caused the relevant injuries.

But it is well-established that the *Rooker-Feldman* doctrine does not bar jurisdiction over claims alleging injuries that are "separate and distinct" from what the state court imposed. *See Kiowa Indian Tribe of Okla. v. Hoover*, 150 F.3d 1163, 1170–71 (10th Cir. 1998); *see also McCormick*, 451 F.3d at 393 ("If the source of the injury is the state court decision, then the *Rooker-Feldman* doctrine would prevent the district court from asserting jurisdiction. If there is some other source of injury, such as a third party's actions, then the plaintiff asserts an independent claim."); *Johnson v. Orr*, 551 F.3d 564, 568 (7th Cir. 2008) ("*Rooker-Feldman* is inapplicable . . . when the alleged injury is distinct from the judgment.").

In *Kiowa Tribe*, we held that the *Rooker-Feldman* doctrine did not preclude a plaintiff's federal claims "challenging the post-judgment enforcement procedures

ordered by . . . state courts" because the enforcement procedures were "separate and distinct" from the underlying "state court judgments." 150 F.3d at 1171. More recently, in *Graff*, we applied *Kiowa Tribe* to circumstances akin to those at issue here. In *Graff*, the plaintiffs were former criminal defendants who owed fines in connection with their sentences. *See* 2023 WL 2860386, at *1. A state sheriff's association had contracted with a private company to collect these fines. *See id.* at *4. The company allegedly used threats of arrest to coerce payment, and if the plaintiffs were unable to pay, the company secured arrest warrants, which judges issued without any proceedings at which the plaintiffs could raise their indigence. *See id.* at *4–5. The plaintiffs brought claims against the association and the company alleging that the company threatened arrest without consideration of the plaintiffs' ability to pay or providing any other legal process. *See id.* at *5–7. And the defendants invoked *Rooker-Feldman*, arguing that the plaintiffs' injuries derived from the state-court judgments that imposed their criminal fines. *See id.* at *1–2, *9. However, relying in part on *Kiowa Tribe*, we concluded that *Rooker-Feldman* did not apply because the plaintiffs' claims, which challenged post-judgment enforcement procedures, asserted injuries that were "separate and distinct" from those imposed by the state-court criminal judgments and sentences. *Id.* at *10 (quoting *Kiowa Tribe*, 150 F.3d at 1171).

Furthermore, although it is an unpublished decision from outside our circuit and does not bind us in this appeal, the Fifth Circuit's decision in *Brown v. Taylor*, 677 F. App'x 924 (5th Cir. 2017) (unpublished), upon which Plaintiffs rely, is also

illustrative. In *Brown*, the plaintiff had entered civil commitment pursuant to a state-court order, and he brought claims in federal court alleging that the commitment facility subjected him to unconstitutional conditions of confinement. *See id.* at 925–26. The district court found it lacked jurisdiction over certain claims under *Rooker-Feldman* "because they were inextricably intertwined with the state court's Order of Commitment." *Id.* at 926. In reversing, the Fifth Circuit reasoned that "[m]ost of the claims dismissed under *Rooker-Feldman* challenge conditions . . . imposed by Defendants, not the state court." *Id.* at 927. For example, "[t]he state court's Order [did] not require [the] Defendants to restrain [the plaintiff] in squalid, prison-like conditions," which were injuries underlying one of the plaintiff's claims. *Id.* "In allegedly imposing these conditions, Defendants exercised discretion in implementing the Order," and "*Rooker-Feldman* does not prevent review of such discretionary executive action taken in enforcing state court judgments." *Id.* at 928.

Similar to *Kiowa Tribe*, *Graff*, and *Brown*, the injuries for which Plaintiffs seek redress under their forced-labor claims extend beyond any requirement emanating from the state-court orders. Plaintiffs allege that Defendants coerced them to often work while injured and otherwise under dangerous conditions by threatening to expel them from CAAIR if they failed to do so—which would have triggered their incarceration. *See, e.g.*, Aplts.' App., Vol. VII, at 1719 (alleging that "C.A.A.I.R. staff, as well as staff at Simmons Foods and Simmons Pet Food facilities, threaten[ed] to send the Putative Class Members to prison if . . . they [could not] work due to injuries"); *id.* at 1706 (alleging that after incurring a work-related injury

at Simmons, Mr. Copeland "was threatened with return to prison if he was unable to work"); *id.* at 1708–09 (alleging Simmons staff required Mr. McGahey to work while injured and threatened him "with prison" if he "got hurt or worked too slowly"). Similarly, Plaintiffs allege CAAIR and Simmons officials "threaten[ed] to send [them] to prison if their work [was] deemed unsatisfactory"—a standard that the state courts did not impose but, rather, Defendants imposed at their discretion. *Id.* at 1719. And, further, some plaintiffs maintain that they performed labor without receiving any treatment beyond the work itself. *See, e.g.*, *id.* at 1706 (alleging Mr. Copeland "never received any professional drug or alcohol counseling/treatment" while at CAAIR).

As we see things, the state-court orders did not impose the injuries that we have recounted. Nothing in the orders directed CAAIR or Simmons to threaten imprisonment if Plaintiffs refused to work while injured. Nor did the orders authorize CAAIR or Simmons officials to threaten imprisonment for failing to satisfy any performance standard the officials happened to adopt. And the state courts did not cause Plaintiffs to undergo a program that withheld treatment beyond the work itself, which the orders and sentencing colloquies explicitly contemplated Plaintiffs would receive. *See, e.g.*, *id.*, Vol. V, at 1255 (state court explaining to Mr. McGahey that CAAIR is a "treatment center," which involved "go[ing] to AA meetings and things like that at night," in addition to work); *id.* at 1353–54 (state court ordering

Mr. Moss to complete "an inpatient alcohol treatment" program).[15] In effect, Plaintiffs allege that Defendants took advantage of the threat of imprisonment emanating from the state-court orders to either impose work conditions that the orders did not require or withhold treatment that the orders contemplated would be provided.[16]

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[15] In certain circumstances, panels of our court—in both published and unpublished decisions—have held that the *Rooker-Feldman* doctrine barred claims alleging that a federal defendant committed fraud during the state-court proceedings leading to the underlying state-court judgment. *See, e.g.*, *Tal v. Hogan*, 453 F.3d 1244, 1256 (10th Cir. 2006) (rejecting plaintiff's attempt to avoid *Rooker-Feldman* through claims that fraud infected the underlying state-court proceedings because although "new allegations of fraud might create grounds for appeal, . . . that appeal should be brought in the state courts"); *Farris v. Burton*, 686 F. App'x 590, 592 (10th Cir. 2017) (unpublished) (barring claims under *Rooker-Feldman* because "[i]n order to evaluate [the plaintiff's] claims that defendants' fraud led the [state court of appeals] to make factual and legal errors in affirming the [state] trial court's decision, a federal court would have to review the appellate state court proceedings to determine if the decision to affirm the trial court's property division was reached as a result of fraud or from a proper assessment of the claims on appeal"). However, our decision here does not turn on whether CAAIR defrauded the state courts in holding itself out as a program that provides rehabilitation using methods beyond work, such as "counseling." *See* Aplts.' App., Vol. IV, at 1108. Rather, the critical point for our analysis is that the state courts ordered Plaintiffs to complete a program the courts characterized as "treatment" and that—as contemplated in the orders and colloquies—would include non-work-based rehabilitation methods. *See, e.g.*, *id.*, Vol. V, at 1255. Although one of the CAAIR Amici refers—in a discussion otherwise focused on the work-based recovery model—to meeting "with a therapist" at CAAIR, Amici Br. at 15, Defendants-Appellees have not presented any evidence to controvert allegations that Plaintiffs received no such treatment. Accordingly, on the record before us, the state-court orders did not cause injuries stemming from Plaintiffs' participation in a program that allegedly excluded rehabilitation methods other than work.

[16] Appellees maintain that focusing on "these . . . more individualized allegations" concerning distinct injuries is a "red herring." Aplees.' Resp. Br. at 37. They contend that Plaintiffs purportedly "did not even mention these other allegations" in their opposition to the *Rooker-Feldman* motion and merely included

Because Plaintiffs allege injuries beyond what the state courts ordered, they do not assert as an element of their forced-labor claims that the state-court judgments "wrongfully" threatened imprisonment should Plaintiffs fail to complete CAAIR. *See Campbell*, 682 F.3d at 1283. Their claims turn not on the threat of imprisonment by itself, but rather on the exploitation by CAAIR Defendants of that threat to impose working conditions that the state courts did not require. This case is therefore distinct from *Campbell*, where the federal claims sought redress for the precise injuries that the state courts had ordered. *See id.* at 1284 ("[T]he deprivation of property that was allegedly without just compensation or due process was the deprivation ordered by the state court."); *id.* at 1285 ("The imposition of a bond and the forfeiture of the horses," which were the injuries underlying the plaintiff's excessive-fine claim under the Eighth Amendment, "were . . . acts of the state court."). Here, Plaintiffs seek redress for injuries the state-court orders did not impose or require.

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them for "background" purposes. *Id.* (emphasis omitted) (quoting Aplees.' Supp. App. at 91). We disagree. Plaintiffs' opposition to the *Rooker-Feldman* motion does in fact refer to these injuries. *See* Aplts.' App., Vol. VI, at 1440–41 (arguing Defendants mischaracterized their injuries as only involving participation in CAAIR under threat of imprisonment and explaining that "[t]he state courts did not order Plaintiffs to work at Simmons' poultry processing plants under deplorable conditions, without pay, causing them injuries"). And Appellees quote selectively from the *Rooker-Feldman* hearing in arguing that Plaintiffs described these distinct injuries as "background." Rather, Plaintiffs clarified that they did not bring distinct "medical claims" seeking to recover for injuries sustained in the workplace but that being "forced" to work "at times in dangerous conditions . . . relate[s] to the human trafficking claim." Aplees.' Supp. App. at 90–91 ("It's more background than it is an underlying -- I mean, I think they relate . . . to the human trafficking claim.").

To be sure, the state-court orders are a necessary condition underlying the injuries Plaintiffs allege in their forced-labor claims. These injuries would not have occurred absent the threat of imprisonment emanating from the orders, which was a contributing factor in causing Plaintiffs to continue working notwithstanding their objections to the conditions CAAIR and Simmons imposed.

But the mere fact that Plaintiffs would not have incurred the injuries alleged under their forced-labor claims absent the state-court orders does not mean the orders caused their injuries for purposes of the *Rooker-Feldman* doctrine. In *Kiowa Tribe*, we held that *Rooker-Feldman* did not bar claims challenging enforcement procedures even though these claims "necessarily implicated the [underlying] state court judgments" and would not have existed absent the judgments, which imposed the awards that the federal defendants sought to enforce. 150 F.3d at 1166–67, 1171. *Kiowa Tribe* therefore implicitly recognized that a judgment does not cause a plaintiff's alleged injury for purposes of *Rooker-Feldman* merely because the judgment was a necessary, antecedent condition to the injury.

Even where the judgment is a necessary, antecedent condition, *Rooker-Feldman* does not foreclose claims asserting injuries that are "separate and distinct" from what the judgment imposed. *See id.* at 1171. Similarly, *Brown* rejected an argument that claims challenging conditions of confinement in a civil-commitment facility were "barred [under *Rooker-Feldman*] because the state court committed [the plaintiff] to [the facility's] supervision and ordered that he comply with [its] rules." 677 F. App'x at 928. Although the plaintiff's claims would not have existed absent

the civil-commitment order, which sent him to the commitment facility in the first place, such an order did not "immunize[] . . . all actions taken in supervising [the plaintiff] from federal district court review." *Id.*

As in *Kiowa Tribe* and *Brown*, the fact that the state-court orders are a but-for cause of the injuries that Plaintiffs allege under their forced-labor claims is not sufficient to conclude that *Rooker-Feldman* applies. *See Kiowa Tribe*, 150 F.3d at 1171; *Brown*, 677 F. App'x at 927–28. The state courts sent Plaintiffs to a work-based program under threat of imprisonment if they failed to complete the program. But similar to the circumstances in *Brown*, the state courts did not order Plaintiffs to work under the dangerous and exploitative conditions they allegedly experienced. *See* 677 F. App'x at 927–28 (explaining that by sending the plaintiff to a civil-commitment facility, the state court did not authorize the facility to impose unlawful conditions). These alleged injuries are "separate and distinct" from anything authorized in the state-court orders. *See Kiowa Tribe*, 150 F.3d at 1171.[17]

[17] In *Kiowa Tribe*, the state-court enforcement orders challenged in federal court were separate and distinct from the underlying state-court judgments on the merits that were the subject of the *Rooker-Feldman* inquiry. *See* 150 F.3d at 1171 (differentiating between "the state court judgments" on the merits and "the post-judgment enforcement procedures ordered by the state courts"). And we concluded that a challenge to the state-court enforcement orders presented "a separate and distinct claim" compared to one challenging the underlying judgments. *See id.* Although our inquiry in this case focuses exclusively on the state courts' sentencing orders, in analogous fashion to *Kiowa Tribe*, we differentiate between what those orders required compared to injuries that are "separate and distinct" from anything those orders required. In our view, the logic at issue in *Kiowa Tribe*—that *Rooker-Feldman* does not bar claims asserting injuries that are separate and distinct from what the relevant state-court judgment required—applies equally in this case.

We find unpersuasive Appellees' attempt to distinguish *Brown* on grounds that Plaintiffs in this case were free to leave CAAIR. *See* Aplees.' Resp. Br. at 39. As was true in *Brown*, Defendants allegedly used the coercive power underlying the state-court orders to impose unlawful conditions that the orders did not sanction. In *Brown*, the coercive power amounted to a state-court order requiring civil commitment. *See* 677 F. App'x at 927–28. Here, the coercive power stemmed from state-court orders requiring Plaintiffs to complete CAAIR under threat of imprisonment. Whether Plaintiffs were technically free to leave CAAIR is of no moment and does not alter our conclusion that the injuries Plaintiffs allege in their forced-labor claims are separate and distinct from what the state courts ordered.

Accordingly, the *Rooker-Feldman* doctrine does not preclude subject-matter jurisdiction over the forced-labor claims in federal district court.

V

For the foregoing reasons, we now **REVERSE** the district court's order dismissing the four named plaintiffs' claims under the *Rooker-Feldman* doctrine and **REMAND** the case with instructions to the court to **VACATE IN FULL** its judgment and conduct further proceedings consistent with this order and judgment.

Entered for the Court

Jerome A. Holmes
Chief Judge