NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 17, 2021*
Decided August 17, 2021

Before

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 21-1251

ELOUISE BRADLEY,
Plaintiff-Appellant,

v.

WISCONSIN DEPARTMENT OF CHILDREN & FAMILIES, et al.
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 20-cv-661-pp

Pamela Pepper,
Chief Judge.

O R D E R

This lawsuit is Elouise Bradley's fifth against the Wisconsin Department of Children and Families and various (often overlapping) lineups of its employees.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

Though her theory of relief in this case is not clear, Bradley seems to challenge the revocation of her license to operate a home childcare center and to redress "false allegations" that she mistreated her son. These are the same occurrences that Bradley has complained about in the previous four suits that she has lost, and we have already sanctioned her with a fine for continuing to bring these frivolous claims. See *Bradley v. Wis. Dep't of Child. & Families*, 715 F. App'x 549, 550 (7th Cir. 2018). Bradley paid the fine and then filed the complaint in this case, which the district court dismissed for failure to state a claim. Because Bradley offers no argument that the court erred or that she stated a claim, and because she continues to harass the defendants with meritless actions, we dismiss the appeal and enter another sanction.

Between 2013 and 2018, Bradley lost four appeals in cases in which she accused some or all of the defendants of violating her constitutional rights by revoking her license to run a childcare center. *Bradley v. Wis. Dep't of Child. & Families*, 528 F. App'x 680 (7th Cir. 2013) (affirming dismissal of suit because Department of Children and Families is not a person under § 1983); *Bradley v. Sabree*, 594 F. App'x 881 (7th Cir. 2015) (affirming dismissal for failure to state claim); *Bradley v. Sabree*, 842 F.3d 1291 (7th Cir. 2016) (affirming dismissal of suit, a repeat of the first, as barred by claim preclusion); *Bradley*, 715 F. App'x 549 (affirming dismissal based on claim preclusion and failure to state a claim). In the third appeal, we warned Bradley that further frivolous appeals could result in sanctions. *Bradley*, 842 F.3d at 1293. When her fourth appeal came before us two years later, we imposed two penalties: First, Bradley lost the privilege of litigating without prepayment of fees, and, second, we fined her $1,000 and imposed a filing bar until she paid. *Bradley*, 715 F. App'x at 550. The two penalties were "cumulative, not alternative," meaning that "even if she pa[id] the $1,000 fine, she must pay all required filing fees in her future cases." *Id.*

Bradley paid the fee to lift the filing bar and immediately filed this fifth lawsuit. The defendants moved to dismiss the case on the merits, and the district court granted the motion, explaining that Bradley had not stated a claim for relief. See FED. R. CIV. P. 8, 12(b)(6). Bradley asked the court to reconsider, and the court denied her motion.

Bradley appeals, but her brief is incomprehensible. We liberally construe pro se filings, but to decide an appeal, we must be able to ascertain a party's argument and the basis for it. *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). That is why even pro se plaintiffs must comply with Rule 28 of the Federal Rules of Appellate Procedure, which requires a section of the brief containing "appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant

relies." FED. R. APP. P. 28(a)(8)(A); accord *Anderson*, 241 F.3d at 545. Even liberally construing Bradley's brief, we see no argument that her complaint stated a claim for relief or that the district court otherwise erred in dismissing it. Therefore, we dismiss the appeal. See *Anderson*, 241 F.3d at 545–46.

The appellees suggest that more sanctions are appropriate. We have repeatedly advised parties that a request for sanctions must be made in a separate motion, not tucked into a merits brief. See, e.g., *Kennedy v. Schneider Elec.*, 893 F.3d 414, 421 (7th Cir. 2018). But Bradley's incessant litigation about the same events, even after incurring sanctions, flouts prior admonishments and burdens the courts, and so we need no prompting to issue an appropriate penalty. And Bradley, who has received a previous warning as well as a sanction, deserves no further warning. Cf. FED. R. APP. P. 38 (notice and opportunity to respond required for court to impose sanction for frivolous appeal).

The $1,000 sanction was no deterrent, and so we now fine Bradley $5,000 for her contumacious conduct. See *Veal-Hill v. Comm'r of Internal Revenue*, 976 F.3d 775 (7th Cir. 2020) (adjusting sanction for frivolous tax appeals to $5,000). Further, until she pays that fine, she is barred from filing papers in any federal court within this circuit, except as needed for the defense of criminal charges or applying for a writ of habeas corpus. See *Support Systems Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). Bradley may submit to this court, no earlier than two years from the date of this order, a motion to modify or rescind this order. We further note that the previous sanction that bars Bradley from litigating in forma pauperis remains in place.

Finally, we commend the district judge for her patience and thoroughness in addressing any possible claim Bradley might have stated on her fifth attempt. Were Bradley to again flout our warnings and bring a new case based on the same events, a summary disposition would be appropriate.

DISMISSED