McLeod v. State of Maine Department of Human Services

229 F.3d 1133 (2000) | Cited 0 times | First Circuit | June 28, 2000

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE
[Hon. D. Brock Hornby, U.S. District Judge]

After a thorough review of the parties submissions and of the record, we affirm. In order to establish that an exception to abstention under Younger v. Harris, 401 U.S. 37 (1971), would be appropriate, appellant must show that the "extraordinary circumstances" in question "render the state court incapable of fairly and fully adjudicating the federal issues before it." Id. (quoting Kugler v. Helfant, 421 U.S. 117, 124-25 (1975)). This is a "narrow exception" to the Younger abstention doctrine. See Huffman v. Pursue, Ltd., 420 U.S. 592, 611 (1975); see also United Books, Inc. v. Conte, 739 F.2d 30, 34 (1st Cir. 1984). The irreparable injury that is threatened must be one "`other than that incidental to every [] proceeding brought lawfully and in good faith.'" Younger, 401 U.S. at 47 (quoting Douglas v. City of Jeannette, 319 U.S. 157, 164 (1943)).

Appellant has not alleged facts showing that the state court is somehow incapable of adjudicating this matter including the federal issues, nor has she alleged an injury that is different "than that incidental to every [child protection] proceeding brought lawfully and in good faith.'" Id. Appellant's argument that her federal action would not interfere with the state action is unsupported by detailed argument and is inherently unpersuasive; the conduct of parts of the same controversy in federal court, after a state proceeding has begun, is an interference with the state proceeding. Further, it appears that if the federal court were to grant the relief she requests, its judgment would conflict with the previous order of the state court to "cease reunification." Abstention is most appropriate in such circumstances.

Thus, the lower court correctly abstained from this matter. See Moore v. Sims, 442 U.S. 415, 434-35 (1979) (since state courts traditionally have addressed important matters of family relations, allegation that those relations are threatened by ongoing state proceedings is insufficient, standing alone, to justify exception to abstention doctrine).

Affirmed. 1st Cir. Loc. R. 27(c).