Younger abstention limits federal courts from intervening in ongoing state court proceedings. Younger abstention clearly applies to ongoing state criminal prosecutions. It also applies to certain civil enforcement proceedings that are akin to criminal prosecution in important respects and pending civil proceedings involving certain orders uniquely in furtherance of the state courts’ ability to perform their judicial functions.

Younger abstention only prohibits interference with ongoing proceedings. Criminal prosecutions cease to be “ongoing” once the defendant has exhausted his or her opportunities to appeal. Also, Younger may not bar challenges for failure to conduct ability-to-pay proceedings before jailing where the defendant would not otherwise have an opportunity to contest the constitutional failure directly before suffering the constitutional harm. Younger abstention also does not bar an attack on a matter that is collateral to a criminal prosecution. Courts reject application of Younger to bar challenges to post-conviction collection practices. These courts focus on the action’s collateral nature and the lack of an ongoing state prosecution.

Footnotes


538 [482] Id.


541 [485] See generally New Orleans Pub. Serv., Inc. v. Council of New Orleans, 491 U.S. 350, 369, 109 S. Ct. 2506, 105 L. Ed. 2d 298 (1989) (“[T]he proceeding is not complete until judicial review is concluded. . . . For Younger purposes, the State’s trial-and-appeals process is treated as a unitary system. . . .”); Steffel v. Thompson, 415 U.S. 452, 462, 94 S. Ct. 1209, 39 L. Ed. 2d 505 (1974) (“When no state criminal proceeding is pending at the time the federal complaint is filed, federal intervention does not result in duplicative legal proceedings or disruption of the state criminal justice system; nor can federal intervention, in that circumstance, be interpreted as reflecting negatively upon the state court’s ability to enforce constitutional principles.”); Steffel v. Thompson, 415 U.S. 452, 462, 94 S. Ct. 1209, 39 L. Ed. 2d 505 (1974) (“When no state criminal proceeding is pending at the time the federal complaint is filed, federal intervention does not result in duplicative legal proceedings or disruption of the state criminal justice system; nor can federal intervention, in that circumstance, be interpreted as reflecting negatively upon the state court’s ability to enforce constitutional principles.”); Powers v. Hamilton Cty. Pub. Def. Comm’n, 501 F.3d 592, 605–606 (6th Cir. 2007) (finding Younger inapplicable after state court revoked plaintiff’s probation months before he filed suit because “proceedings in state court have long since concluded”); Abusaid v. Hillsborough Cty. Bd. of Cty. Comm’rs, 405 F.3d 1298, 1316 n.9 (11th Cir. 1999) (finding no ongoing proceeding when plaintiff “has pleaded guilty and is currently out on parole”); Almodovar v. Reiner, 832 F.2d 1138, 1141 (9th Cir. 1987) (“Probation is not a pending criminal action for Younger purposes.”).


543 [487] Parker v. Turner, 626 F.2d 1, 8 (6th Cir. 1980).

11.7.6.3.1 *Younger* abstention


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