As more types of state processes were shielded from federal interference, some questioned whether *Younger* could now be generalized as two complementary principles: Absent ongoing state proceedings that afford the parties adequate opportunity to raise federal constitutional challenges, *Younger* abstention is inapplicable, but after a state proceeding implicating important state interests is underway, equity concerns and comity favor abstention, absent extraordinary circumstances. In *Sprint Communications, Inc. v. Jacobs*,[1345] however, the Court reasserted as paramount the principle that abstention is only in order when the parallel, pending state proceeding itself presents an "exceptional" circumstance. The obligation of a federal court to hear and decide each case within its juridiction is "virtually unflagging," the Court explained.[1346] The types of cases found to merit abstention under the *Younger* line—criminal prosecutions, civil enforcement proceedings akin to prosecution, and civil proceedings involving orders critical to the functioning of the courts—define *Younger*'s scope, and do not merely exemplify it.[1347]

Habeas Corpus: Scope of the Writ.—At the English common law, *habeas corpus* was available to attack pretrial detention and confinement by executive order; it could not be used to question the conviction of a person pursuant to the judgment of a court with jurisdiction over the person. That common law meaning was applied in the federal courts.[1348] Expansion began after the Civil War through more liberal court interpretation of "jurisdiction." Thus, one who had already completed one sentence on a conviction was released from custody on a second sentence on the ground that the court had lost jurisdiction upon completion of the first sentence.[1349] Then, the Court held that the constitutionality of the statute upon which a charge was based could be examined on *habeas*, because an unconstitutional statute was said to deprive the trial court of its jurisdiction.[1350] Other cases expanded the want-of-jurisdiction ratio-

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[1345] 571 U.S. ___, No. 12–815, slip op. (2013)

[1346] Id., slip op. at 6 (quoting Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976).

[1347] 571 U.S. ___, No. 12–815, slip op. (2013)

[1348] *Ex parte* Watkins, 28 U.S. (3 Pet.) 193 (1830) (Chief Justice Marshall); *cf. Ex parte* Parks, 93 U.S. 18 (1876). *But see* Fay v. Noia, 372 U.S. 391, 404–415 (1963). The expansive language used when Congress in 1867 extended the *habeas* power of federal courts to state prisoners "restrained of . . . liberty in violation of the constitution, or of any treaty or law of the United States . . . ," 14 Stat. 385, could have encouraged an expansion of the writ to persons convicted after trial.

[1349] *Ex parte* Lange, 85 U.S. (18 Wall.) 163 (1874).

[1350] *Ex parte* Siebold, 100 U.S. 371 (1880); *Ex parte* Royall, 117 U.S. 241 (1886); Crowley v. Christensen, 137 U.S. 86 (1890); Yick Wo v. Hopkins, 118 U.S. 356 (1886).