tory judgment, 28 U.S.C. § 2283, and thus result in a clearly improper interference with the state proceedings."[1339]

When, however, there is no pending state prosecution, the Court is clear that "Our Federalism" is not offended if a plaintiff in a federal court is able to demonstrate a genuine threat of enforcement of a disputed criminal statute, whether the statute is attacked on its face or as applied, and becomes entitled to a federal declaratory judgment.[1340] And, in fact, when no state prosecution is pending, a federal plaintiff need not always demonstrate the existence of the *Younger* factors—great danger of immediate, irreparable loss and inadequate opportunity to vindicate protected rights in defending against a prosecution—to justify the issuance of a preliminary or permanent injunction in aid of declaratory relief.[1341]

On the other hand, the Court has extended *Younger*'s directive not to interfere with ongoing state prosecutions to also bar federal court interference with pending state civil cases that are akin to criminal prosecutions.[1342] The Court also applied *Younger*'s principles to bar federal court interference with state administrative proceedings of a judicial nature, in which important state interest were at stake.[1343] More systemically, a state clearly has an important interest, for *Younger* purposes, in maintaining the legal processes for enforcing civil judgments issued by its courts, even in proceedings which are entirely between private parties.[1344]

[1339] Samuels v. Mackell, 401 U.S. 66, 72 (1971).

[1340] Steffel v. Thompson, 415 U.S. 452 (1974).

[1341] Doran v. Salem Inn, 422 U.S. 922 (1975) (preliminary injunction may issue to preserve *status quo* while court considers whether to grant declaratory relief); Wooley v. Maynard, 430 U.S. 705 (1977) (when declaratory relief is given, permanent injunction may be issued if necessary to protect constitutional rights). However, it may not be easy to discern when state proceedings will be deemed to have been instituted prior to the federal proceeding. *E.g.*, Hicks v. Miranda, 422 U.S. 332 (1975); Huffman v. Pursue. Ltd., 420 U.S. 592 (1975); *see also* Hawaii Housing Auth. v. Midkiff, 467 U.S. 229 (1984).

[1342] Huffman v. Pursue, Ltd., 420 U.S. 592 (1975) (state action to close adult theater under the state's nuisance statute and to seize and sell personsal property used in the theater's operations); Judice v. Vail, 430 U.S. 327 (1977); Trainor v. Hernandez, 431 U.S. 434 (1977); Moore v. Sims, 442 U.S. 415 (1979); Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423 (1982).

[1343] Ohio Civil Rights Comm'n v. Dayton Christian Schools, Inc., 477 U.S. 619 (1986). The "judicial in nature" requirement is more fully explicated in New Orleans Public Service, Inc. v. Council of City of New Orleans, 491 U.S. 350, 366–373 (1989).

[1344] Pennzoil Co. v. Texaco, Inc., 481 U.S. 1 (1987) (holding that abstention was warranted in a federal court challenge to the use of the state's "lien and bond" authority by a judgment creditor pending exhaustion of state appeals). It was "the State's [particular] interest in protecting 'the authority of the judicial system, so that its orders and judgments are not rendered nugatory'" that merited abstention, and not merely a general state interest in protecting ongoing civil proceedings from federal interference. 481 U.S. at 14 n.12 (quoting Judice v. Vail, 430 U.S. 327, 336 n.12 (1977)).