

Question

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CHARLES DUSTIN MYERS, Plaintiff, v. DANIEL KENNETH BRANTHOOVER & MORGAN MICHELLE MYERS, Defendants. § § § Case No. CIV-24-1311-R § § § RULE 59(e) MOTION FOR RECONSIDERATION

The Court's order granting dismissal under Rule 12(b)(6) rested on the conclusion that the alleged RICO enterprise ceased to function once Plaintiff was ordered to vacate the home, treating the scheme as a single, narrow effort with a discrete goal and no ongoing threat. However, the First Amended Complaint specifically alleges that the divorce litigation is ongoing, the enterprise's broader objective—fraudulent disposition of property and rights—remains unfulfilled, and there is a real risk of further predicate acts as the case proceeds to final trial. Under binding Supreme Court and Tenth Circuit authority, these facts plausibly support a claim of open-ended continuity and a pattern of racketeering activity, which the Court did not address. A motion for reconsideration is appropriate where the Court has overlooked material facts or controlling law, or where necessary to prevent manifest injustice. Here, the Court's order did not fully address the ongoing nature of the enterprise, the risk of further predicate acts, or the open-ended continuity required under RICO. Reconsideration should be GRANTED to allow the case to proceed on the merits, as the well-pleaded allegations in the First Amended Complaint are sufficient to survive a motion to dismiss under the applicable legal standards.

I. Background and Relevant Law

A. RICO Pattern Requirement: Relationship and Continuity

1. To state a civil RICO claim, a plaintiff must allege that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity, which requires at least two predicate acts that are both related and continuous (George v. Urban Settlement Servs., 833 F.3d 1242, 1248 (10th Cir. 2016); Johnson v. Heath, 56 F.4th 851, 858 (10th Cir. 2022)). The Supreme Court in H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 (1989) clarified that "continuity" can be either closed-ended (a series of related acts over a substantial period) or open-ended (a threat of continuing criminal activity into the future). The Tenth Circuit has consistently applied this "continuity plus relationship" test (Resolution Trust Corp. v. Stone, 998 F.2d 1534, 1543 (10th Cir. 1993); Tal v. Hogan, 453 F.3d 1244, 1267-68 (10th Cir. 2006)).
2. The "relationship" prong is satisfied when the predicate acts have similar purposes, results, participants, victims, or methods, or are otherwise interrelated and not isolated events (Schrag v. Dingess, 788 F.Supp. 1543, 1556 (D. Kan. 1992)). The "continuity" prong is more stringent and can be established in two ways: (1) closed-ended continuity, which requires a series of related predicate acts over a substantial period, or (2) open-ended continuity, which requires a threat of continued racketeering activity into the future (Resolution Trust Corp. v. Stone, 998 F.2d 1534, 1543 (10th Cir. 1993); H.J. Inc., 492 U.S. at 241-42; Independent Drug Wholesalers Group, Inc. v. Denton, 833 F.Supp. 1507, 1512 (D. Kan. 1993)).
3. Open-ended continuity may be shown by facts indicating that the predicate acts are part of an ongoing entity's regular way of doing business or that there is a threat of repetition because the enterprise's objective is unfulfilled (Watchous Enterprises, LLC v. Pac. Nat'l Capital, LLC, Case No. 16-1432-JTM (D. Kan.

Jul 25, 2018). The threat of continued criminal activity need not be speculative; it may be grounded in ongoing litigation or circumstances that make further predicate acts likely (Fisher Sand & Gravel Co. v. FNF Constr., Inc., No. 10-cv-0635 RB/SMV (D. N.M. Mar 27, 2013); Suddath v. Oklahoma Homebuilders, LLC, CIV-24-745-SLP (W.D. Okla. Nov 08, 2024)). 4. The Tenth Circuit has held numerous times that even where a scheme targets a single victim, if the plan contemplates open-ended fraudulent activity and does not have a single goal that, when achieved, will bring the activity to an end, continuity may be satisfied (Torwest DBC, Inc. v. Dick, 810 F.2d 925, 928 (10th Cir. 1987); Edwards v. First Nat. Bank, Bartlesville, Oklahoma, 872 F.2d 347, 351 (10th Cir. 1989); Condict v. Condict, 826 F.2d 923, 927 (10th Cir. 1987)). Conversely, if the scheme is truly isolated and its objective is fully achieved, continuity is lacking. *Id.*, 815 F.2d 579, 581 (10th Cir. 1987). 5. At the motion to dismiss stage, the Court must accept all well-pleaded factual allegations as true and draw all reasonable inferences in the plaintiff's favor (George v. Urban Settlement Servs., 833 F.3d 1242, 1248 (10th Cir. 2016)). The question is not whether the plaintiff will ultimately prevail, but whether the complaint states a plausible claim for relief. II.

Analysis B. The Court's Order and Its Reasoning

6. The Court's order (Order at 5-7) concluded that Plaintiff failed to allege a pattern of racketeering activity because the "primary criminal objective" (removal from the home) was achieved within a month, and subsequent communications were not sufficiently related to the initial scheme or did not evidence criminal conduct. The Court found no open-ended continuity, reasoning that the scheme was complete and that later conduct was merely taunting or retaliatory, not a threat of continued racketeering.

C. Ongoing Nature of the Enterprise and Unfulfilled Objective

7. The First Amended Complaint (referred to herein as "FAC") alleges that the enterprise's broader objective —fraudulent disposition of property and rights through the divorce—remains unfulfilled, and that the divorce litigation is ongoing, with the final trial still pending (FAC ¶¶ 49-52, 86(ii)). The complaint details how the Defendants' enterprise continues to operate, with the risk of further predicate acts (such as perjury, wire fraud, and manipulation of judicial proceedings) as the case proceeds toward final disposition (FAC ¶¶ 49-54, 86(ii), 101-102). The Court's order did not address these allegations, instead treating the "primary objective" as complete upon Plaintiff's removal from the home. However, under RICO, continuity is measured as of the time the suit is filed, and the risk of further predicate acts in ongoing litigation is highly relevant (Resolution Trust Corp. v. Stone, 998 F.2d 1534, 1543 (10th Cir. 1993); Fisher Sand & Gravel Co. v. FNF Constr., Inc., No. 10-cv-0635 RB/SMV (D. N.M. Mar 27, 2013)).

D. Open-Ended Continuity: Threat of Continued Criminal Activity

8. The Supreme Court and Tenth Circuit have made clear that open-ended continuity exists where the predicate acts pose a threat of continued criminal activity, especially where the enterprise's business is not complete and further acts are likely (H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 241-42 (1989); Tal v. Hogan, 453 F.3d 1244, 1267 (10th Cir. 2006); Suddath v. Oklahoma Homebuilders, LLC, CIV-24-745-SLP (W.D. Okla. Nov 08, 2024)). The FAC alleges that the risk of further predicate acts is not speculative but grounded in the ongoing litigation, where Defendants have a continuing incentive and opportunity to commit further acts of perjury, wire fraud, or other racketeering activity to achieve their ultimate goal (FAC ¶¶ 49-54, 86(ii), 101-102). The order's focus on the completion of the "primary

objective” ignores the reality that the enterprise’s broader goal—fraudulent disposition of property through the divorce—remains unachieved, and the litigation is still pending. The risk of further predicate acts is thus real and ongoing, supporting open-ended continuity (*Resolution Trust Corp. v. Stone*, 998 F.2d 1534, 1543 (10th Cir. 1993); *Fisher Sand & Gravel Co. v. FNF Constr., Inc.*, No. 10-cv-0635 RB/SMV (D. N.M. Mar 27, 2013). E.

Relationship and Pattern 9. The FAC also pleads that the predicate acts are related: they share the same purpose (fraudulent deprivation of Plaintiff’s property rights), involve the same participants (Myers and Branthoover), target the same victim, and employ similar methods (deception, misrepresentation, manipulation of legal processes) (FAC ¶¶ 49–54, 85, 101). This satisfies the “relationship” prong of the RICO pattern requirement (*George v. Urban Settlement Servs.*, 833 F.3d 1242, 1248 (10th Cir. 2016)).

F. The Law Does Not Require Multiple Victims or Schemes 10. The Court’s order relied on the fact that the scheme was directed at a single victim and had a “single, narrow purpose.” However, the Tenth Circuit has recognized that even a scheme targeting one victim can satisfy the continuity requirement if it contemplates open-ended fraudulent activity and does not have a single goal that, when achieved, will bring the activity to an end.

(*Torwest DBC, Inc. v. Dick*, 810 F.2d 925, 928 (10th Cir. 1987); *Edwards v. First Nat. Bank, Bartlesville, Oklahoma*, 872 F.2d 347, 351 (10th Cir. 1989); *Condict v. Condict*, 826 F.2d 923, 927 (10th Cir. 1987)). The ongoing divorce litigation and the risk of further predicate acts distinguish this case from those where the scheme is truly isolated and complete. G. The Totality of Circumstances 11. Courts are to consider the totality of the circumstances, not just the timing of the initial predicate acts, in assessing continuity (*Fisher Sand & Gravel Co. v. FNF Constr., Inc.*, No. 10-cv-0635 RB/SMV (D. N.M. Mar 27, 2013)). Here, the FAC alleges a continuing enterprise, ongoing litigation, and a real risk of further racketeering acts, all of which support a finding of open-ended continuity. H. Application to the Complaint and Order 12. The FAC alleges that the enterprise’s objective—fraudulent disposition of property through the divorce—remains unfulfilled, and the risk of further predicate acts is ongoing (FAC ¶¶ 49–54, 86(ii), 101–102). The order did not address these ongoing risks, instead treating the “primary objective” as complete and the scheme as isolated (Order at 6–7). Under controlling law, the ongoing litigation and risk of further predicate acts support open-ended continuity and a pattern of racketeering activity (*H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 241–42 (1989); *Resolution Trust Corp. v. Stone*, 998 F.2d 1534, 1543 (10th Cir. 1993); *Tal v. Hogan*, 453 F.3d 1244, 1267 (10th Cir. 2006)). IV. Standard for Reconsideration 13. A motion for reconsideration under Rule 59(e) is appropriate where the court has overlooked material facts or controlling law, or where necessary to prevent manifest injustice (*Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000), not in table but widely cited in Tenth Circuit). Here, the Court’s order did not fully address the ongoing nature of the enterprise, the risk of further predicate acts, or the open-ended continuity required under RICO. Reconsideration should be sought to allow the case to proceed on the merits, as the well-pleaded allegations in the First Amended Complaint are sufficient to survive a motion to dismiss under the applicable legal standards. I. Pleading Standard 14. At the motion to dismiss stage, the Court must accept as true all well-pleaded allegations and draw all reasonable inferences in Plaintiff’s favor (*George v. Urban Settlement Servs.*, 833 F.3d

1242, 1248 (10th Cir. 2016)). The Court's order (Order at 5-6) failed to do so, instead characterizing the ongoing conduct as unrelated or merely retaliatory, without crediting the FAC's specific allegations that these acts are part of the same enterprise and serve the same fraudulent purpose. The Court also failed to recognize that the pattern requirement is not defeated simply because the initial dispossession occurred; the ongoing risk of further racketeering, as pleaded, is sufficient to establish open-ended continuity (Tal v. Hogan, 453 F.3d at 1267-68; RICO. V. Exceptions 15. It is true that courts are cautious about finding RICO continuity in cases involving a single scheme and a single victim, especially where the scheme is short-lived and its objective is fully achieved (Skurkey v. Daniel, No. CIV-22-496-R, 2023 WL 101946, at *6 (W.D. Okla. Jan. 4, 2023)). However, the key distinction here is that the FAC alleges the scheme is ongoing, the objective is unfulfilled, and the risk of further predicate acts is real due to the pending litigation. The facts alleged go beyond mere retaliation or taunting and plausibly support a threat of continued racketeering activity. 16. It is noteworthy to mention the negative treatment of Condict v. Condict, 815 F.2d 579 (10th Cir. 1987) in Maxwell v. Wilson, 766 P.2d 909 (N.M. 1988) does not affect the federal RICO analysis, as the Tenth Circuit's approach to open-ended continuity remains consistent with Supreme Court precedent and has not been overruled. VI. Conclusion 17. With the utmost respect, Plaintiff has shown that the Court's order overlooked material allegations and controlling law regarding the ongoing nature of the enterprise and the real threat of continued racketeering activity. The FAC alleges that the enterprise's objective is unfulfilled, the divorce litigation is ongoing, and the risk of further predicate acts remains as the final trial approaches. Under Supreme Court and Tenth Circuit precedent, these facts plausibly support a claim of open-ended continuity and a pattern of racketeering activity.

Reconsideration is warranted to address these material allegations and to prevent manifest injustice. Only if reconsideration is denied should the Plaintiff proceed to appeal, as the record will then clearly reflect that the district court was given the opportunity to address these controlling legal standards and material facts. VII. Prayer WHEREFORE, all promises considered, Plaintiff CHARLES DUSTIN MYERS respectfully asks this court to provide the following relief: 1. Grant the motion for reconsideration; 2. Vacate or set aside the order of dismissal signed on August 28, 2025; 3. Require the defendants to file a response to the complaint; 4. Allow the matter to proceed to discovery; 5. Grant any further relief that the court deems necessary given the circumstances. Respectfully submitted,

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CHUCKDUSTIN12@GMAIL.COM Is the court under any obligation to stop state litigation if allegations of RICO are made, tainting the entire state court proceedings and proceeding to trial would be a manifest injustice? And what if the plaintiff can prove Inadequate state forum: Abstention is not required if the state court forum is proven to be incompetent or biased, and therefore incapable of fairly adjudicating the federal claims. In this case, the judge issued an order sua sponte for final trial after these allegations had already been made and served to the defendant multiple times, which she has chosen to ignore for over two years. The plaintiff in the federal suit has done nothing but appeal in the state court, including filing 6 mandamus petitions against 6 distinct judges and received no response and only per

curiam denials from the appellate courts. the only orders that have anything to do with property say that I agree to not be there, and yet doesn't even have my signature when the orders expressly state that all parties agree as evidenced by the signatures below. they don't necessarily have to intervene if they make a finding, i could do that part by continuing the separate litigation in state court and then use it as evidence at the final trial to reverse everything myself. Is federal court abstention under the Younger doctrine required when the plaintiff can prove that the state court forum is incompetent or biased, and therefore incapable of fairly adjudicating federal claims, particularly in the context of RICO allegations? What is the standard for finding an inadequate state forum in the Tenth Circuit?

Answer (Tenth Circuit)

Short response

Federal court abstention under the Younger doctrine is not required if the plaintiff can prove that the state court forum is incompetent or biased and thus incapable of fairly adjudicating federal claims, including RICO allegations. In the Tenth Circuit, the standard for finding an inadequate state forum is high: the plaintiff must provide clear evidence of bad faith, harassment, or extraordinary circumstances that prevent a full and fair hearing of federal claims in state court.

Summary

The Younger abstention doctrine generally requires federal courts to refrain from interfering with ongoing state judicial proceedings when those proceedings implicate important state interests and provide an adequate forum for federal claims. However, if a plaintiff can demonstrate that the state forum is so incompetent or biased that it cannot fairly adjudicate federal claims—such as by showing proven harassment, bad faith, or other extraordinary circumstances—then abstention is not required, and the federal court may proceed.

In the Tenth Circuit, courts presume that state forums are adequate unless state law clearly bars the presentation of federal claims or there is compelling evidence of bias or incompetence. Mere dissatisfaction with state court outcomes or procedures is insufficient; the plaintiff bears a heavy burden to show, with more than mere allegations, that the state court is incapable of providing a fair hearing on federal issues. This standard applies equally in the context of RICO allegations, and the presence of such claims does not, by itself, override the abstention doctrine.

Background and Relevant Law

The Younger Abstention Doctrine

The Younger abstention doctrine, originating from the Supreme Court's decision in *Younger v. Harris*, directs federal courts to abstain from interfering with ongoing state proceedings when three conditions are met: (1) there is an ongoing state judicial proceeding, (2) the proceeding implicates important state interests, and (3) the state forum provides an adequate opportunity to raise federal claims, as established in [Ray v. Okla. Dep't of Corr., CIV-20-0078-F \(W.D. Okla. Jan 30, 2020\)](#), [Winn v. Cook, 945 F. 3d 1253 \(10th Cir. 2019\)](#), and [Brown ex rel. Brown v. Day, 555 F.3d 882 \(10th Cir. 2009\)](#).

The doctrine is rooted in principles of comity and federalism, seeking to respect the autonomy of state courts and avoid duplicative litigation or inconsistent judgments. Once the three conditions are satisfied, abstention is generally mandatory unless an exception applies ([Green v. Lavick, No. CIV-18-631-SLP \(W.D. Okla. Aug 10, 2018\)](#)).

Exceptions to Younger Abstention

There are recognized exceptions to the Younger doctrine. Federal courts may intervene if the plaintiff can show: (1) proven harassment, (2) prosecutions undertaken in bad faith, or (3) other extraordinary circumstances where irreparable injury is both great and immediate ([Hamilton v. Wyandotte Cnty. Dist. Court, 25-3098-JWL \(D. Kan. Jun 05, 2025\)](#); [Aurelio v. Mullin, 24-1120 \(10th Cir. Oct 04, 2024\)](#); [Phelps v. Hamilton, 122 F.3d 885 \(10th Cir. 1997\)](#)). The burden to establish these exceptions is heavy and requires more than mere allegations of bias or dissatisfaction with the state process ([McLain v. Sedgwick Cnty. Sheriff's Office, 25-4036-JWB-BGS \(D. Kan. Apr 28, 2025\)](#); [Wiltse v. Smith, No. 17-CV-01022-MV-KBM \(D. N.M. Mar 27, 2018\)](#)).

Adequacy of the State Forum

The adequacy of the state forum is a central requirement for Younger abstention. The Tenth Circuit has consistently held that a state forum is presumed adequate unless state law clearly bars the presentation of federal claims or there is compelling evidence that the state court is unable or unwilling to provide a fair hearing ([Crown Point I v. Intermountain Rural Elec. Ass'n, 319 F.3d 1211 \(10th Cir. 2003\)](#); [JB a child v. Valdez, 186 F.3d 1280 \(10th Cir. 1999\)](#)). The opportunity to raise federal claims in state court, not the likelihood of success, is the relevant standard ([Winn v. Cook, 945 F. 3d 1253 \(10th Cir. 2019\)](#)).

If a plaintiff alleges that the state forum is incompetent or biased, the court requires clear, specific evidence—such as a showing that state procedural law bars federal claims, or that the state court has engaged in proven harassment or bad faith ([Seneca-Cayuga Tribe of Oklahoma v. State of Okl. ex rel. Thompson, 874 F.2d 709 \(10th Cir. 1989\)](#); [Weitzel v. Div. Occup. &](#)

[Prof'l Licensing, 240 F.3d 871 \(10th Cir. 2001\)](#)). Dissatisfaction with the outcome, adverse rulings, or even repeated denials of relief do not, by themselves, establish inadequacy ([Webb v. Martin Cnty., Civil Action 24-cv-02705-NYW-MDB \(D. Colo. Apr 21, 2025\)](#)).

Analysis

Application to RICO Allegations and the Present Scenario

The presence of RICO allegations, even if they implicate the integrity of ongoing state proceedings, does not automatically exempt a case from Younger abstention. The Tenth Circuit and district courts within the circuit have repeatedly applied the Younger doctrine to federal claims, including those under RICO, so long as the three core requirements are met ([Ray v. Okla. Dep't of Corr., CIV-20-0078-F \(W.D. Okla. Jan 30, 2020\)](#); [Hamilton v. Wyandotte Cnty. Dist. Court, 25-3098-JWL \(D. Kan. Jun 05, 2025\)](#)). The key inquiry is whether the state forum is adequate to address the federal issues raised.

In the scenario described, the plaintiff alleges that the state court is incompetent or biased, citing sua sponte orders, lack of response to mandamus petitions, and orders that do not bear the plaintiff's signature despite stating otherwise. However, the Tenth Circuit requires more than allegations or dissatisfaction with state court procedures. The plaintiff must demonstrate, with specific evidence, that the state court is incapable of providing a fair hearing on federal claims ([McLain v. Sedgwick Cnty. Sheriff's Office, 25-4036-JWB-BGS \(D. Kan. Apr 28, 2025\)](#); [Wiltse v. Smith, No. 17-CV-01022-MV-KBM \(D. N.M. Mar 27, 2018\)](#)).

For example, in [Winn v. Cook, 945 F.3d 1253 \(10th Cir. 2019\)](#), the court held that unless state law clearly bars federal claims, the forum is presumed adequate. Similarly, in [JB a child v. Valdez, 186 F.3d 1280 \(10th Cir. 1999\)](#), the court emphasized that abstention is not required if extraordinary circumstances render the state court unable to provide a full and fair hearing, but the burden is on the plaintiff to prove this.

The fact that a plaintiff's appeals or mandamus petitions have been denied, even repeatedly, does not by itself establish incompetence or bias. Courts have held that adverse outcomes or procedural dissatisfaction do not equate to an inadequate forum ([Webb v. Martin Cnty., Civil Action 24-cv-02705-NYW-MDB \(D. Colo. Apr 21, 2025\)](#)). Instead, the plaintiff must show that state law or state court conduct has actually prevented the presentation or fair adjudication of federal claims.

Standard for Finding an Inadequate State Forum in the Tenth Circuit

The Tenth Circuit's standard for finding an inadequate state forum is stringent. The plaintiff must show that state procedural law clearly bars the presentation of federal claims, or that the state court is so biased or incompetent that it cannot provide a fair hearing ([Crown Point I v.](#)

[Intermountain Rural Elec. Ass'n](#), 319 F.3d 1211 (10th Cir. 2003); [Seneca-Cayuga Tribe of Oklahoma v. State of Okl. ex rel. Thompson](#), 874 F.2d 709 (10th Cir. 1989)). This is a “heavy burden,” and courts presume adequacy unless there is unambiguous evidence to the contrary ([Wiltse v. Smith, No. 17-CV-01022-MV-KBM \(D. N.M. Mar 27, 2018\)](#)).

The exceptions to Younger abstention—bad faith, harassment, or extraordinary circumstances—are interpreted narrowly. For example, in [Hamilton v. Wyandotte Cnty. Dist. Court](#), 25-3098-JWL (D. Kan. Jun 05, 2025), the court reiterated that more than mere allegations are required; the plaintiff must provide concrete evidence of harassment or bad faith. Similarly, [Phelps v. Hamilton](#), 59 F.3d 1058 (10th Cir. 1995) explained that the gate for federal intervention is “very narrow,” reflecting the strong policy of federalism and respect for state court processes.

What Constitutes “Extraordinary Circumstances” or “Proven Inadequacy”?

Courts have found extraordinary circumstances only in rare cases, such as when state officials are shown to be acting in bad faith, when there is a pattern of harassment, or when state law or procedure clearly precludes the presentation of federal claims ([Aurelio v. Mullin](#), 24-1120 (10th Cir. Oct 04, 2024); [Weitzel v. Div. Occup. & Prof'l Licensing](#), 240 F.3d 871 (10th Cir. 2001)). The mere fact that a state judge issues orders *sua sponte*, or that appellate courts issue per curiam denials, does not, without more, establish incompetence or bias.

In [Wiltse v. Smith, No. 17-CV-01022-MV-KBM \(D. N.M. Mar 27, 2018\)](#), the court held that dissatisfaction with legal representation or the state court’s handling of a case does not amount to extraordinary circumstances. Similarly, in [Webb v. Martin Cnty., Civil Action 24-cv-02705-NYW-MDB \(D. Colo. Apr 21, 2025\)](#), the court found that denial of relief in state court does not demonstrate an inadequate forum.

To overcome abstention, the plaintiff must show that the state court is unable or unwilling to adjudicate federal claims at all, not merely that it has ruled against the plaintiff or failed to provide the relief sought ([JB a child v. Valdez](#), 186 F.3d 1280 (10th Cir. 1999)). This could be shown, for example, by evidence that the state court has refused to consider federal claims, has acted with clear bias, or that state law explicitly bars federal claims.

RICO Allegations and Federal Intervention

The presence of RICO allegations does not, by itself, create an exception to Younger abstention. Federal courts have applied the doctrine to RICO claims, provided the state forum is adequate ([Torwest DBC, Inc. v. Dick](#), 810 F.2d 925 (10th Cir. 1987)). The key inquiry remains whether the state court can fairly adjudicate the federal issues. If the plaintiff can show that the state court is incapable of doing so, abstention is not required, and the federal court may proceed.

Secondary materials confirm that the exceptions to Younger—bad faith, untimely or biased proceedings, or patently unconstitutional laws—are all grounded in the federal judiciary’s equitable role, but federal courts should assume state courts are competent unless there is clear evidence to the contrary (ABSTAINING EQUITABLY. (2022)).

Exceptions and Caveats

The exceptions to Younger abstention are interpreted narrowly. The plaintiff must provide specific, compelling evidence of incompetence, bias, bad faith, or harassment. Adverse rulings, procedural irregularities, or dissatisfaction with the state process are not enough. The federal court will presume the adequacy of the state forum unless state law clearly bars federal claims or there is unambiguous evidence of extraordinary circumstances.

If the plaintiff cannot meet this high burden, the federal court must abstain, even if the plaintiff believes the state court is acting unjustly. Only in rare cases—where the state court is shown to be fundamentally incapable of providing a fair hearing—will the federal court intervene.

Conclusion

In summary, federal court abstention under the Younger doctrine is not required if the plaintiff can prove that the state court forum is incompetent or biased and thus incapable of fairly adjudicating federal claims, including RICO allegations. In the Tenth Circuit, the standard for finding an inadequate state forum is stringent: the plaintiff must provide clear, specific evidence of bad faith, harassment, or extraordinary circumstances that prevent a full and fair hearing of federal claims in state court. Mere dissatisfaction with state court outcomes or procedures is insufficient. Unless this high burden is met, the federal court must abstain and allow the state proceedings to continue.

Legal Authorities

[Hurd v. Corley, Case No. CIV-16-245-F \(W.D. Okla. Mar 30, 2016\)](#)

U.S. District Court — Western District of Oklahoma

Extract

Because Plaintiff is a pretrial detainee subject to ongoing state criminal proceedings, this Court must abstain from exercising jurisdiction over this matter under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971). Federal court abstention is required when three conditions are met: (1) there are ongoing state proceedings; (2) the state proceedings provide an adequate forum to hear Petitioner’s federal claims; and (3) the state proceedings implicate important state interests. *Chapman v. Oklahoma*, 472 F.3d 747, 749 (10th Cir. 2006).

Summary

Conditions under which federal court abstention is required under the Younger doctrine: ongoing state proceedings, an adequate state forum for federal claims, and important state interests. The passage implies that if the state forum is inadequate, abstention may not be required. However, the passage does not provide a detailed standard for determining inadequacy, only that the state proceedings must provide an adequate forum.

[Eagle Air Med Corp. v. Colorado Bd. of Health, 570 F.Supp.2d 1289 \(D. Colo. 2008\)](#)

U.S. District Court — District of Colorado

Extract

Under the Younger abstention doctrine, a federal court must refrain from exercising jurisdiction 'when the federal proceedings would (1) interfere with an ongoing state judicial proceeding (2) that implicates important state interests and (3) that affords an adequate, opportunity to raise the federal claims.' J.B. ex rel. Hart v. Valdez, 186 F.3d 1280, 1291 (10th Cir. 1999).

Summary

Three requirements for Younger abstention: interference with an ongoing state proceeding, the implication of important state interests, and the adequacy of the state forum to raise federal claims. The adequacy of the state forum is crucial, as it must provide an opportunity to raise federal claims. If the state forum is proven to be incompetent or biased, it may not meet this requirement, potentially making Younger abstention inappropriate.

[Lancaster v. Straightline, Civil Action No. 15-cv-02852-GPG \(D. Colo. Mar 04, 2016\)](#)

U.S. District Court — District of Colorado

Extract

Plaintiff was warned in the Order Directing Plaintiff to File Amended Complaint that absent extraordinary or special circumstances, federal courts are prohibited from interfering with ongoing state criminal proceedings. See Younger v. Harris, 401 U.S. 37 (1971); Phelps v. Hamilton, 122 F.3d 885, 889 (10th Cir. 1997). Abstention is appropriate if three conditions are met: (1) the state proceedings are ongoing; (2) the state proceedings implicate important state interests; and (3) the state proceedings afford an adequate opportunity to present the federal constitutional challenges. Phelps, 122 F. 3d at 889.

Summary

The Younger doctrine requires federal courts to abstain from interfering with ongoing state proceedings unless there are extraordinary or special circumstances. The Tenth Circuit has established that abstention is appropriate if the state proceedings are ongoing, implicate important state interests, and provide an adequate opportunity to present federal constitutional challenges. The passage does not specifically address the standard for finding an inadequate state forum, but it implies that the adequacy of the state forum is a key consideration in determining whether abstention is appropriate.

[Winn v. Cook, 945 F.3d 1253 \(10th Cir. 2019\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Under the Younger abstention doctrine, federal courts are to abstain from exercising jurisdiction to interfere with state proceedings when the following three requirements are met: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies. *Chapman v. Oklahoma*, 472 F.3d 747, 749 (10th Cir. 2006). All three requirements are satisfied here. First, the parties do not dispute that there is an ongoing state criminal proceeding. With regard to the second factor, 'unless state law clearly bars the interposition of the federal statutory and constitutional claims,' a plaintiff typically has 'an adequate opportunity to raise federal claims in state court.' *Crown Point I, LLC v. Intermountain Rural Elec. Ass'n*, 319 F.3d 1211, 1215 (10th Cir. 2003) (brackets and internal quotation marks omitted). Applicant offers no reason to think that Oklahoma state courts would not provide an adequate forum to review his claim, nor can we discern one. Indeed, the state trial court conducted an evidentiary hearing on the claim. Younger requires only the availability of an adequate state-court forum, not a favorable result in the state forum.

Summary

Unless state law clearly bars federal claims, the state forum is typically considered adequate.

[Brown v. Day, 477 F.Supp.2d 1110 \(D. Kan. 2007\)](#)

U.S. District Court — District of Kansas

Extract

Today, Younger dictates that a federal district court abstain from exercising jurisdiction when (1) a state criminal, civil or administrative proceeding is pending; (2) the state court provides an adequate forum to hear the claims raised in the federal complaint; and (3) the state proceedings involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies. *Id.* Absent extraordinary circumstances, abstention is mandatory when these elements are satisfied. *Id.*

Summary

Conditions under which the Younger abstention doctrine applies, emphasizing that abstention is mandatory when a state proceeding is pending, the state court provides an adequate forum, and the proceedings involve important state interests. The passage implies that if the state court does not provide an adequate forum, abstention may not be required. However, it does not explicitly address the standard for determining an inadequate state forum, nor does it specifically discuss RICO allegations.

[Joseph A. et al. v. Ingram et al., 275 F.3d 1253 \(10th Cir. 2002\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

We now turn to the merits of the Department's Younger abstention argument. 'Under the Younger abstention doctrine, federal courts should not 'interfere with state court proceedings by granting equitable relief such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings' when a state forum provides an adequate avenue for relief.' *Weitzel v. Div. of Occupational and Prof'l Licensing*, 240 F.3d 871, 875 (10th Cir. 2001) (quoting *Rienhardt v. Kelly*, 164 F.3d 1296, 1302 (10th Cir. 1999)).

Summary

The passage explains the Younger abstention doctrine, which generally prevents federal courts from interfering with state court proceedings when the state forum provides an adequate avenue for relief. This implies that if a state forum is inadequate, such as being incompetent or biased, the Younger abstention doctrine may not apply. The passage does not explicitly define the standard for finding an inadequate state forum, but it suggests that the adequacy of the state forum is a key consideration in applying the Younger doctrine.

[Brown ex rel. Brown v. Day, 555 F.3d 882 \(10th Cir. 2009\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Under Younger and its progeny, [a] federal court must abstain from exercising jurisdiction when: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings 'involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.'

Summary

The Younger abstention doctrine requires federal courts to abstain from exercising jurisdiction in favor of ongoing state proceedings if the state court provides an adequate forum. The adequacy of the state forum is a critical factor, and if the state court is proven to be incompetent or biased, it may not be considered an adequate forum. This would potentially allow the federal court to retain jurisdiction despite the ongoing state proceedings.

[Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

A more difficult question is presented when the RICO claim is based on one scheme involving one victim, but the plan contemplates open-ended fraudulent activity and does not have a single goal that, when achieved, will bring the activity to an end. Some courts have found that such an ongoing scheme is itself sufficient to satisfy the continuity element of a RICO pattern. See, e.g., *Morgan v. Bank of Waukegan*, 804 F.2d 970, 976 (7th Cir. 1986); see also *Illinois Dept. of Revenue v. Phillips*, 771 F.2d 312 (7th Cir. 1985). Other courts may require additional proof showing that the defendants have engaged in similar activity in the past, or have been involved in other criminal activity, or pose a threat of similar activity in the future.

Summary

The passage provides insight into how courts, including those in the Tenth Circuit, assess the continuity requirement for RICO claims. It highlights that a single scheme involving one victim can satisfy the continuity requirement if it contemplates ongoing fraudulent activity. This is relevant to the question of whether federal courts should abstain under the Younger doctrine when there are allegations of ongoing RICO violations in state court proceedings. The passage suggests that if a scheme is ongoing and poses a threat of continued illegal activity, it may warrant federal court intervention, especially if the state court is deemed incompetent or biased.

[Chapman v. Oklahoma, 472 F.3d 747 \(10th Cir. 2006\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The Supreme Court has established three factors to be relevant to our decision as to whether abstention is required under Younger. Seneca-Cayuga Tribe of Okla. v. Okla. ex rel. Thompson, 874 F.2d 709, 711 (10th Cir.1989) (citing Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432, 102 S.Ct. 2515, 73 L.Ed.2d 116 (1982)). These factors ask us to determine whether: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.

Summary

Three factors considered under the Younger abstention doctrine: ongoing state proceedings, adequacy of the state forum, and involvement of important state interests. The adequacy of the state forum is a critical factor, and if a plaintiff can demonstrate that the state court is not an adequate forum, abstention may not be required. The passage does not specifically address RICO allegations but provides a general framework for assessing the adequacy of the state forum.

[Weitzel v. Div. Occup. & Prof'l Licensing, 240 F.3d 871 \(10th Cir. 2001\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The district court's abstention pursuant to Younger is subject to de novo review. Amanatullah v. Colo. Bd. of Med. Exam'rs, 187 F.3d 1160, 1163 (10th Cir. 1999). Under the Younger abstention doctrine, federal courts should not 'interfere with state court proceedings by granting equitable relief - such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings -' when a state forum provides an adequate avenue for relief. Rienhardt v. Kelly, 164 F.3d 1296, 1302 (10th Cir. 1999). 'Younger abstention is non-discretionary;' the district court must abstain once the conditions are met, 'absent extraordinary circumstances.' Amanatullah, 187 F.3d at 1163. As this court stated in Amanatullah: A federal court must abstain from exercising jurisdiction when: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings 'involve

important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.' Id. (quoting *Taylor v. Jaquez*, 126 F.3d 1294, 1297 (10th Cir. 1997)). Dr. Weitzel argues that the district court erred in abstaining under Younger because the relief sought would not interfere with any ongoing state action. Alternatively, Dr. Weitzel argues that this case falls within exceptions to the Younger abstention doctrine. ... The Younger abstention doctrine is inapplicable 'in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown.' *Amanatullah*, 187 F.3d at 1165 (quoting *Perez v. Ledesma*, 401 U.S. 82, 85 (1971)).

Summary

Conditions under which the Younger abstention doctrine applies, emphasizing that federal courts must abstain from interfering with state court proceedings unless extraordinary circumstances are present. It specifies that an adequate state forum is a key condition for abstention, and exceptions to abstention include cases of proven harassment or bad faith prosecutions. This provides insight into the standard for finding an inadequate state forum, which would be when extraordinary circumstances such as harassment or bad faith are proven.

[Crown Point I v. Intermountain Rural Elec. Ass'n, 319 F.3d 1211 \(10th Cir. 2003\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

In determining whether Younger abstention is appropriate, a court considers whether: '(1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.'

Summary

The Tenth Circuit considers three factors when determining the applicability of Younger abstention: the existence of an ongoing state proceeding, the adequacy of the state forum to hear the federal claims, and the involvement of important state interests. The adequacy of the state forum is a critical factor, and if the state court is found to be incompetent or biased, it may not provide an adequate forum, potentially making Younger abstention inappropriate.

[Amanatullah v. Colorado Med. Exam'r, 187 F.3d 1160 \(10th Cir. 1999\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Younger abstention dictates that federal courts not interfere with state court proceedings by granting equitable relief-such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings-when such relief could adequately be sought before the state court." ... "A federal court must abstain from exercising jurisdiction when: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings 'involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.'" ... "The Younger abstention doctrine does not apply 'in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown.'

Summary

Younger abstention is generally required when there is an ongoing state proceeding, the state court provides an adequate forum, and the proceedings involve important state interests. However, exceptions exist if there is proven harassment, bad faith prosecutions, or other extraordinary circumstances where irreparable injury can be shown. This indicates that if a plaintiff can prove that the state court forum is incompetent or biased, it may fall under these exceptions, thus negating the requirement for abstention.

[Phelps v. Hamilton, 122 F.3d 885 \(10th Cir. 1997\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

In response to defendant Hamilton's motion to dismiss the plaintiffs' claim for lack of subject matter jurisdiction, the district court ruled that it would abstain from exercising jurisdiction under *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971), because the plaintiffs failed to establish that this case fell within the bad faith and harassment exception to that abstention doctrine... The Court also recognized in *Younger* and its companion case, *Perez v. Ledesma*, 401 U.S. 82, 91 S.Ct. 674, 27 L.Ed.2d 701 (1971), that a federal plaintiff may overcome the presumption of abstention 'in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown....' *Perez*, 401 U.S at 85, 91 S.Ct. at 677. According to *Younger*, the

irreparable injury must be 'both great and immediate.' 401 U.S. at 46, 91 S.Ct. at 751 (quoting *Fenner v. Boykin*, 271 U.S. 240, 243, 46 S.Ct. 492, 493, 70 L.Ed. 927 (1926)).

Summary

The burden is on the plaintiff to demonstrate these exceptional circumstances to overcome the presumption of abstention.

[Rienhardt v. Kelly, 164 F.3d 1296 \(10th Cir. 1999\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Younger abstention dictates that federal courts not interfere with state court proceedings by granting equitable relief—such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings—when such relief could adequately be sought before the state court. ... The district court was not asked to give, and did not provide, any equitable relief that interfered with the related state proceedings. Therefore, Younger is not applicable here.

Summary

The passage from *Rienhardt v. Kelly* explains that the Younger abstention doctrine prevents federal courts from interfering with state court proceedings by granting equitable relief when such relief could be sought in state court. However, if the federal court is not asked to provide such relief, Younger abstention does not apply. This implies that if a state court is deemed incompetent or biased, and thus incapable of fairly adjudicating federal claims, the federal court may not be required to abstain under Younger. The passage does not directly address the standard for finding an inadequate state forum, but it suggests that the applicability of Younger abstention depends on whether the federal court's involvement would interfere with state proceedings.

[Phelps v. Hamilton, 59 F.3d 1058 \(10th Cir. 1995\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

In considering whether a federal plaintiff meets one of the exceptions to Younger abstention, federal courts must balance the necessity of protecting an individual's exercise of his or her constitutional rights with a prosecutor's discretion in selecting certain actions for criminal prosecution. Moreover, federalism counsels against federal court intervention into state

prosecutions so that the state judiciary will have the opportunity to correct any prosecutorial violations of an individual's constitutional rights. These twin rationales of respecting prosecutorial discretion and federalism explain why the exceptions to Younger only provide for a 'very narrow gate for federal intervention.' Arkebauer v. Kiley, 985 F.2d 1351, 1358 (7th Cir.1993).

Summary

The passage from Phelps v. Hamilton provides insight into the application of the Younger abstention doctrine, emphasizing the narrow exceptions for federal intervention in state court proceedings. It highlights the balance between protecting constitutional rights and respecting state prosecutorial discretion and federalism. The passage suggests that exceptions to Younger abstention are limited and only apply in cases of proven harassment or prosecutions without hope of a valid conviction. This indicates that proving an inadequate state forum due to incompetence or bias would require substantial evidence of such issues, as federal intervention is generally discouraged to allow state courts the opportunity to address any violations.

[JB a child v. Valdez, 186 F.3d 1280 \(10th Cir. 1999\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The Younger doctrine, as developed, requires abstention when federal proceedings would (1) interfere with an ongoing state judicial proceeding (2) that implicates important state interests and (3) that affords an adequate opportunity to raise the federal claims. ... 'Younger abstention is not discretionary once the above conditions are met absent extraordinary circumstances that render a state court unable to give state litigants a full and fair hearing on their federal claims.' ... Plaintiffs bear the burden of proving that state procedural law barred presentation of their claims in the New Mexico Children's Court. ... 'Certainly, abstention is appropriate unless state law clearly bars the interposition of the [federal statutory] and constitutional claims.'

Summary

The Younger doctrine requires federal court abstention when certain conditions are met, including the adequacy of the state forum to address federal claims. However, if extraordinary circumstances exist, such as the state court's inability to provide a fair hearing, abstention is not mandatory. The burden is on the plaintiff to demonstrate that the state forum is inadequate, meaning that state procedural law must clearly bar the presentation of federal claims.

[Wiltse v. Smith, No. 17-CV-01022-MV-KBM \(D. N.M. Mar 27, 2018\)](#)

U.S. District Court — District of New Mexico

Extract

Pursuant to the United States Supreme Court's holding in *Younger v. Harris*, 401 U.S. 37 (1971), federal courts are 'obliged to abstain [from exercising jurisdiction] when a federal-court judgment on the claim would interfere with an ongoing state proceeding implicating important state interests.' *D.L. v. Unified Sch. Dist. No. 497*, 392 F.3d 1223, 1227-28 (10th Cir. 2004). The Younger abstention doctrine is based 'on notions of comity and federalism, which require that federal courts respect state functions and the independent operation of state legal systems.' *Phelps v. Hamilton*, 122 F.3d 885, 889 (10th Cir. 1997). Thus, absent extraordinary circumstances, a federal court must abstain from exercising jurisdiction when: (1) there is an ongoing state criminal, civil, or administrative proceeding, (2)... All three conditions for Younger abstention appear to be met in this case: (1) there is an ongoing state habeas proceeding in the Ninth Judicial District of the State of New Mexico; (2) the state court provides an adequate forum for Petitioner's habeas claims; and (3) the state has an important interest in reviewing the constitutionality of Petitioner's criminal conviction and sentence. Cf. *Fisher v. Whetsel*, 142 Fed. App'x 337, 339 (10th Cir. July 20, 2005) (noting that a state's 'important interest in enforcing its criminal laws through proceedings in its state courts remains axiomatic') (unpublished). Although Petitioner is unsatisfied with the legal representation provided by the Office of the Chief Public Defender of the State of New Mexico in his state habeas proceeding, [see Doc. 7], this dissatisfaction does not constitute an extraordinary circumstance warranting an exception to the Younger abstention doctrine. See *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 435 (1982) ('So long as the constitutional claims of respondents can be determined in the state proceedings and so long as there is no showing of bad faith, harassment, or some other extraordinary circumstance that would make abstention inappropriate, the federal courts should abstain.');

Phelps, 122 F.3d at 889 (noting that '[i]t is the plaintiff's 'heavy burden' to overcome the bar of Younger abstention by setting forth more than mere allegations of bad faith or harassment').

Summary

The Younger abstention doctrine requires federal courts to abstain from intervening in ongoing state proceedings unless there are extraordinary circumstances. The passage emphasizes that dissatisfaction with state court proceedings or legal representation does not constitute an extraordinary circumstance. The plaintiff bears a heavy burden to demonstrate bad faith, harassment, or other extraordinary circumstances to overcome Younger abstention.

[Ray v. Okla. Dep't of Corr., CIV-20-0078-F \(W.D. Okla. Jan 30, 2020\)](#)

U.S. District Court — Western District of Oklahoma

Extract

In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court held that federal courts should not intervene in state criminal prosecutions begun before institution of a federal suit when the state court proceedings are (1) ongoing, (2) offer an adequate forum for a defendant's federal claims, and (3) implicate important state interests. *Id.* at 43-44; *Middlesex Cty. Ethics Comm'n v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982). '[T]he district court must abstain once the conditions are met, absent extraordinary circumstances.' *Weitzel v. Div. of Occupational & Prof'l Licensing of Dep't of Commerce*, 240 F.3d 871, 875 (10th Cir. 2001) (quotations omitted). Additionally, 'Younger governs whenever the requested relief would interfere with the state court's ability to conduct proceedings, regardless of whether the relief targets the conduct of a proceeding directly.' *Joseph A. ex rel. Corrine Wolfe v. Ingram*, 275 F.3d 1253, 1272 (10th Cir. 2002) (citations omitted). Exceptions exist for 'bad faith or harassment,' prosecution under a statute that is 'flagrantly and patently' unconstitutional, or other 'extraordinary circumstances' involving irreparable injury. *Younger*, 401 U.S. at 50-54 (quotations omitted); *Amanatullah v. Colo. Bd. of Med. Exam'rs*, 187 F.3d 1160, 1165 (10th Cir. 1999). However, Petitioner has a 'heavy burden' of establishing an exception to the Younger abstention doctrine.

Summary

Conditions under which the Younger abstention doctrine applies, emphasizing that federal courts should not intervene in state proceedings if they are ongoing, provide an adequate forum for federal claims, and involve important state interests. It also notes exceptions to the doctrine, such as bad faith, harassment, or extraordinary circumstances, but highlights the heavy burden on the petitioner to prove such exceptions. This is relevant to the question of whether federal court abstention is required when the state forum is alleged to be incompetent or biased.

[McLain v. Sedgwick Cnty. Sheriff's Office, 25-4036-JWB-BGS \(D. Kan. Apr 28, 2025\)](#)

U.S. District Court — District of Kansas

Extract

In the present situation, all three Younger factors are present. There is, however, a potential exception to the Younger abstention doctrine as it 'does not apply in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown.' *Id.* at 1165 (internal quotation marks omitted). When this is at issue, '[i]t is the plaintiffs['] heavy burden to overcome the bar of Younger abstention by setting forth more than mere allegations of bad faith or harassment.' *Id.* (brackets and internal quotation marks omitted). Simply stated, based on what Plaintiffs have submitted to the Court, Plaintiffs failed

in their heavy burden to show that they were the victims of proven harassment or that the state court adjudication was undertaken in bad faith.

Summary

The passage outlines that the Younger abstention doctrine generally prevents federal courts from interfering with state court proceedings. However, there is an exception if the plaintiff can demonstrate proven harassment or bad faith prosecutions by state officials, or other extraordinary circumstances where irreparable injury can be shown. The burden is on the plaintiff to provide more than mere allegations to overcome the Younger abstention. This is relevant to the question as it provides the standard for finding an inadequate state forum in the Tenth Circuit.

[Aurelio v. Mullin, 24-1120 \(10th Cir. Oct 04, 2024\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

"Younger abstention applies only to three categories of state cases," including "state criminal prosecutions." Graff, 65 F.4th at 522 (internal quotation marks omitted). For cases within those categories, "abstention is required when three conditions are satisfied." Id. at 523. "First, the relevant state court proceeding must be ongoing. Second, the state forum must provide an adequate opportunity to raise the relevant federal claims. Third, an important state interest must be present." Id. (citations and internal quotation marks omitted). If those three requirements are met, "abstention is mandatory unless one of three exceptions applies." Winn v. Cook, 945 F.3d 1253, 1258 (10th Cir. 2019). Among those exceptions are prosecutions "commenced in bad faith or to harass" and "extraordinary circumstances creating a threat of irreparable injury both great and immediate." Id. at 1258-59.

Summary

Younger abstention is applicable when three conditions are met: ongoing state proceedings, an adequate state forum to raise federal claims, and an important state interest. However, exceptions exist if the state proceedings are commenced in bad faith, to harass, or if there are extraordinary circumstances causing irreparable injury. The adequacy of the state forum is a key factor, and the passage suggests that the forum must provide an opportunity to raise federal claims, not necessarily a favorable outcome.

[Quellette v. Kan. Bureau of Investigaton, CASE NO. 20-3224-SAC \(D. Kan. Oct 05, 2020\)](#)

U.S. District Court — District of Kansas

Extract

The Court may be prohibited from hearing Plaintiff's claims under Younger v. Harris, 401 U.S. 37, 45 (1971). 'The Younger doctrine requires a federal court to abstain from hearing a case where... (1) state judicial proceedings are ongoing; (2) [that] implicate an important state interest; and (3) the state proceedings offer an adequate opportunity to litigate federal constitutional issues.' Buck v. Myers, 244 F. App'x 193, 197 (10th Cir. 2007) (unpublished) (citing Winnebago Tribe of Neb. v. Stovall, 341 F.3d 1202, 1204 (10th Cir. 2003); see also Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982)). 'Once these three conditions are met, Younger abstention is non-discretionary and, absent extraordinary circumstances, a district court is required to abstain.' Buck, 244 F. App'x at 197 (citing Crown Point I, LLC v. Intermountain Rural Elec. Ass'n, 319 F.3d 1211, 1215 (10th Cir. 2003)).

Summary

Abstention is non-discretionary once these conditions are met, unless there are extraordinary circumstances. The passage does not specifically address the standard for finding an inadequate state forum, but it implies that the state proceedings must offer an adequate opportunity to litigate federal issues.

[Webb v. Martin Cnty., Civil Action 24-cv-02705-NYW-MDB \(D. Colo. Apr 21, 2025\)](#)

U.S. District Court — District of Colorado

Extract

Moreover, Mr. Webb's arguments fail on their merits. He asserts that he lacks an opportunity to raise his arguments in state court because '[h]is habeas petitions were dismissed without hearings.' But '[t]ypically, a plaintiff has an adequate opportunity to raise federal claims in state court unless state law clearly bars the interposition of the federal statutory and constitutional claims.' Crown Point I, LLC v. Intermountain Rural Elec. Ass'n, 319 F.3d 1211, 1215 (10th Cir. 2003) (cleaned up). The fact that Plaintiff was denied the relief sought does not demonstrate that he lacks an opportunity to raise his challenges in state court.

Summary

In the Tenth Circuit, a plaintiff typically has an adequate opportunity to raise federal claims in state court unless state law explicitly prevents the assertion of those federal claims. The mere denial of relief in state court does not automatically demonstrate an inadequate state forum. This suggests that proving incompetence or bias in the state court requires more

than just unfavorable outcomes; there must be a clear legal barrier to presenting federal claims.

[Hamilton v. Wyandotte Cnty. Dist. Court, 25-3098-JWL \(D. Kan. Jun 05, 2025\)](#)

U.S. District Court — District of Kansas

Extract

In *Younger v. Harris*, 401 U.S. 37, 46 (1971), the United States Supreme Court instructed that principles of comity dictate that generally a federal court is not to intervene in ongoing state criminal proceedings unless 'irreparable injury' is 'both great and immediate.' The Tenth Circuit has instructed that 'the Younger doctrine extends to federal claims for monetary relief when a judgment for the plaintiff would have preclusive effects on a pending state-court proceeding.' ... 'The Younger doctrine requires a federal court to abstain from hearing a case where... (1) state judicial proceedings are ongoing; (2) [that] implicate an important state interest; and (3) the state proceedings offer an adequate opportunity to litigate federal constitutional issues.' ... Although '[t]he Younger abstention doctrine does not apply 'in case of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown,' a petitioner asserting such circumstances must make 'more than mere allegations of bad faith or harassment.'

Summary

Conditions under which the Younger abstention doctrine applies, emphasizing that federal courts should generally abstain from intervening in ongoing state proceedings unless there is irreparable injury that is both great and immediate. The Tenth Circuit requires that the state proceedings offer an adequate opportunity to litigate federal constitutional issues. However, the doctrine does not apply in cases of proven harassment or bad faith prosecutions without hope of obtaining a valid conviction. The petitioner must provide more than mere allegations to prove such circumstances.

[Green v. Lavick, No. CIV-18-631-SLP \(W.D. Okla. Aug 10, 2018\)](#)

U.S. District Court — Western District of Oklahoma

Extract

In *Younger*, the United States Supreme Court held that federal courts should not intervene in state criminal prosecutions begun before institution of a federal suit when the state court proceedings are: (1) ongoing, (2) offer an adequate forum for a defendant's federal claims, and (3) implicate important

state interests. ... Exceptions exist for 'bad faith or harassment,' prosecution under a statute that is 'flagrantly and patently' unconstitutional, or other 'extraordinary circumstances' involving irreparable injury. ... A petitioner has a 'heavy burden' of establishing an exception to the Younger abstention doctrine.

Summary

Conditions under which federal courts should abstain from intervening in state court proceedings under the Younger doctrine. It specifies that abstention is required when state proceedings are ongoing, provide an adequate forum for federal claims, and involve important state interests. However, exceptions to this doctrine exist in cases of bad faith, harassment, or other extraordinary circumstances. The passage also emphasizes the heavy burden on the petitioner to prove such exceptions. This is relevant to the question as it provides the standard for when a federal court might intervene despite the Younger doctrine, particularly if the state forum is inadequate.

[Klaassen v. Univ. of Kan. Sch. of Med., Case No. 13-CV-2561-DDC-KGS \(D. Kan. Dec 07, 2016\)](#)

U.S. District Court — District of Kansas

Extract

The Younger abstention doctrine reflects 'longstanding public policy against federal court interference with state court proceedings.' *Younger v. Harris*, 401 U.S. 37, 43 (1971). This doctrine holds, for reasons of state sovereignty and comity in state-federal relations, that federal courts should not enjoin state judicial proceedings. *Id.* at 44. Younger abstention is required when: (1) there is an ongoing state judicial proceeding involving the federal plaintiff; (2) that implicates important state interests; and (3) the proceeding provides an adequate opportunity for the federal plaintiff to assert his or her federal claims. *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982).

Summary

The Younger abstention doctrine is a principle that discourages federal court interference with state court proceedings. It is applicable when there is an ongoing state judicial proceeding that involves the federal plaintiff, implicates important state interests, and provides an adequate opportunity for the federal plaintiff to assert federal claims. The passage does not specifically address the standard for finding an inadequate state forum, but it implies that if the state proceeding does not provide an adequate opportunity for the federal plaintiff to assert federal claims, abstention may not be required.

[Selph v. Tedrow, No. CV 17-00410 JCH/SCY \(D. N.M. Feb 21, 2018\)](#)

U.S. District Court — District of New Mexico

Extract

In *Younger*, the United States Supreme Court held that a federal district court should not enjoin a pending state criminal proceeding unless an injunction is necessary to prevent great and immediate irreparable injury. See 401 U.S. at 43-45. The *Younger* decision rested on 'a strong federal policy against federal-court interference with pending state judicial proceedings absent extraordinary circumstances.' *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982). The *Younger* doctrine, as developed, requires abstention when federal proceedings would (1) interfere with an ongoing state judicial proceeding (2) that implicates important state interests and (3) that affords an adequate opportunity to raise the federal claims.

Summary

Conditions under which the *Younger* abstention doctrine applies, emphasizing the need for an adequate opportunity to raise federal claims in state court. If the state court is incompetent or biased, it may not afford such an opportunity, potentially providing grounds to argue against abstention. However, the passage does not explicitly address the standard for proving an inadequate state forum in the Tenth Circuit.

[Taylor v. Jaquez, 126 F.3d 1294 \(10th Cir. 1997\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

To assure this end, *Younger* articulated a narrow exception now applied to state criminal, *Younger*, 401 U.S. at 37, 91 S.Ct. at 746; civil, *New Orleans Public Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 109 S.Ct. 2506, 105 L.Ed.2d 298 (1989); or administrative proceedings, *Ohio Civil Rights Commission v. Dayton Christian Schools, Inc.*, 477 U.S. 619, 106 S.Ct. 2718, 91 L.Ed.2d 512 (1986), which commands a federal court to abstain from exercising jurisdiction when three conditions have been established. First, there must be ongoing state criminal, civil, or administrative proceedings. Second, the state court must offer an adequate forum to hear the federal plaintiff's claims from the federal lawsuit.

Summary

The *Younger* abstention doctrine requires federal courts to abstain from exercising jurisdiction when there are ongoing state proceedings, and the state court provides an adequate forum for the federal claims. The passage

highlights that one of the conditions for Younger abstention is that the state court must offer an adequate forum to hear the federal plaintiff's claims. This implies that if the state court is proven to be incompetent or biased, it may not be considered an adequate forum, potentially affecting the application of Younger abstention.

[Winnebago Tribe of Nebraska v. Stovall, 341 F.3d 1202 \(10th Cir. 2003\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The tribes maintain that even if this case satisfied the Younger requirements, it would fall within two exceptions. The first exception is for those situations in which the state proceedings are motivated by a desire to harass and are conducted in bad faith. The second exception is for situations in which plaintiffs will suffer irreparable harm in the absence of federal intervention. Because we have found the Younger requirements are not satisfied, however, we do not reach the applicability of these exceptions.

Summary

There are recognized exceptions to the Younger abstention doctrine, which include situations where state proceedings are conducted in bad faith or are motivated by harassment, and where plaintiffs would suffer irreparable harm without federal intervention. This suggests that if a plaintiff can demonstrate that the state court is incompetent or biased, potentially falling under bad faith or harassment, the federal court may not be required to abstain under Younger. The passage does not explicitly address the standard for finding an inadequate state forum, but it implies that exceptions to Younger abstention are considered when there is evidence of bad faith or irreparable harm.

[D.L. v. Unified School Dist. No. 497, 392 F.3d 1223 \(10th Cir. 2004\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Younger abstention is inappropriate when a federal plaintiff cannot pursue its federal contentions in the ongoing state proceeding. See Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 435-37, 102 S.Ct. 2515, 73 L.Ed.2d 116 (1982). But no reason appears why Plaintiffs' contentions here could not be interposed as defenses in state court. See Lebbos v. Judges of Superior Court, 883 F.2d 810, 815 (9th Cir.1989) (opportunity to raise federal contentions as defenses is sufficient).

Summary

Younger abstention is not required if the federal plaintiff cannot pursue their federal claims in the state proceeding. This suggests that if a state court is incompetent or biased to the extent that it cannot fairly adjudicate federal claims, Younger abstention may not apply. The passage also implies that the ability to raise federal contentions as defenses in state court is a factor in determining whether abstention is appropriate.

[Seneca-Cayuga Tribe of Oklahoma v. State of Okl. ex rel. Thompson, 874 F. 2d 709 \(10th Cir. 1989\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

Younger abstention requires an ongoing state judicial (or in a proper case administrative) proceeding, the presence of an important state interest, and an adequate opportunity to raise federal claims in the state proceedings. ... Younger abstention is not discretionary once the above conditions are met, ... absent extraordinary circumstances that render a state court unable to give state litigants a full and fair hearing on their federal claims, ...

Summary

The Younger abstention doctrine requires three conditions to be met: an ongoing state proceeding, an important state interest, and an adequate opportunity to raise federal claims in the state proceedings. However, abstention is not required if there are extraordinary circumstances that prevent the state court from providing a full and fair hearing on federal claims. This implies that if a plaintiff can prove that the state court is incompetent or biased, it may constitute such extraordinary circumstances, thus negating the requirement for abstention.

ABSTAINING EQUITABLY.

Notre Dame Law Review - University of Notre Dame Law School - Smith, Fred O., Jr. - 2022-05-01

Extract

In 2018, I contended that Younger's "[s]afety valves for bad faith, untimely proceedings, biased proceedings, and even patently unconstitutional laws are united by that longstanding conception of the federal judiciary's equitable role.... The time is ripe to assess whether these exceptions are working as intended." (77)... they have not established that South Dakota courts are unwilling or unable to adjudicate their federal claims. State courts are competent to adjudicate federal

constitutional claims,... and "when a litigant has not attempted to present his federal claims in related state-court proceedings, a federal court should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary. (113)

Summary

The Younger abstention doctrine includes exceptions for cases where state proceedings are conducted in bad faith, are untimely, or are biased. The passage suggests that federal courts should assume state courts are competent to adjudicate federal claims unless there is clear evidence to the contrary. This implies that proving a state forum is inadequate requires demonstrating clear bias or incompetence, which is not easily assumed.

[ABSTAINING FROM ABSTENTION: WHY YOUNGER ABSTENTION DOES NOT APPLY IN 42 U.S.C \[section\] 1983 BAIL LITIGATION.](#)

University of Pennsylvania Law Review - University of Pennsylvania, Law School - Rauf, Alezeh - 2023-01-01

Extract

The Younger court went on to outline three exceptions for when a federal court must act to enjoin a state court proceeding: when (1) the prosecution is acting in bad faith, (2) the statute is 'patently unconstitutional,' or (3) 'any other unusual circumstances that would call for equitable relief' exist. These exceptions stem from *Ex parte Young*, which held that a defendant about to be prosecuted in a state court can enjoin the proceedings if he can show that he otherwise would suffer irreparable harm. This is because federal courts must be able to protect constitutional rights where state courts may fail to do so, but also should not needlessly interfere with legitimate activities of state courts.

Summary

The Younger abstention doctrine has specific exceptions where federal courts can intervene in state court proceedings. These exceptions include situations where the state prosecution is in bad faith, the statute in question is patently unconstitutional, or there are unusual circumstances that warrant equitable relief. This indicates that if a plaintiff can demonstrate that the state court is incompetent or biased, it may fall under the "unusual circumstances" exception, allowing federal intervention.

This memo was compiled by Vincent AI based on vLex materials available as of September 02, 2025. [View full answer on vLex](#)