

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V. CASE

NO. 4:12-cv-168-HTW-LRA

CITY OF MERIDIAN; COUNTY OF LAUDERDALE;
JUDGE FRANK COLEMAN, IN HIS OFFICIAL
CAPACITY; JUDGE VELDORE YOUNG, IN HER
OFFICIAL CAPACITY; STATE OF MISSISSIPPI;
MISSISSIPPI DEPARTMENT OF HUMAN SERVICES;
AND MISSISSIPPI DIVISION OF YOUTH SERVICES

DEFENDANTS

ORDER DENYING DEFENDANTS' MOTION TO DISMISS BASED ON *YOUNGER*
ABSTENTION

Before the court is the motion of the defendants, Judge Frank Coleman and Judge Veldore Young to dismiss them from this litigation based on *Younger* abstention [docket no. 10]. The Court is not persuaded that the motion is well-taken and denies the motion.

BACKGROUND

Here, championing the constitutional rights of Meridian, Mississippi public school children who have been subjected to discipline by various Meridian and Mississippi entities, the United States of America seeks a declaratory judgment that Defendants' alleged policies, procedures, practices, and patterns of conduct violate the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 14141. The United States asks this court to issue a permanent injunction forbidding Defendants from subjecting children under

their jurisdiction and supervision from alleged unconstitutional and unlawful policies, procedures, practices, and patterns of conduct; and to require Defendants to promulgate and effectuate policies that protect the constitutional rights of the children under their jurisdiction and supervision. The United States also pleads for an order for equitable relief including, but not limited to, the creation of alternatives to detention and juvenile justice processes for children; review and expungement of youth records and a provision supporting children who have been harmed by Defendants' alleged pattern or practice of constitutional violations. Additionally, the United States asks this court to retain jurisdiction of this case until Defendants have fully complied with all orders of this Court, and this court has reasonable assurance that Defendants will continue to comply in the future absent continuing jurisdiction. The United States' catch-all request seeks any additional relief as the interests of justice may require.

YOUNGER ABSTENTION

Younger abstention is premised on the notion that federal courts should show comity, that is, a proper respect for state functions. This doctrine of comity thus provides that federal courts should withhold judgment in litigation, when granting injunctive or declaratory relief would (1) interfere with an ongoing state judicial proceeding that (2) implicates an important state interest and (3) the state proceeding already provides an opportunity to raise the constitutional or other federal-law issues. *See Texas Ass'n of Business v. Earle*, 388 F.3d 515, 518 (5th Cir. 2004). Upon applying the above factors to the litigation at hand, this Court finds *Younger* abstention to be inapposite.

The United States' allegations here accuse the defendants of violating the constitutional rights of minor school children. This litigation, then, does not threaten ongoing constitutional state judicial proceedings.

Next, no party contends that a state judicial proceeding is ongoing which is presently addressing the topics at issue in this lawsuit. Nor has any party suggested that such proceedings are contemplated.

The United States' interest in enforcing § 14141 is to eliminate a pattern or practice of constitutional violations. This interest is not necessarily identical to the interests of individual children facing delinquency proceedings in state court, nor is the United States' interest so "intertwined" with such individuals so as to justify barring prospective relief to a person not a party to the challenged state actions. As in *U.S. v. Composite State Bd. of Med. Examiners, State of Georgia*, 656 F.2d 131, 134-46 (5th Cir. 1981), the United States has a separate interest in ensuring juvenile justice systems are operated in a constitutionally permissible manner, an interest and institutional role in upholding that interest that the individual juveniles do not share. The United States has an interest that transcends that of private state defendants.

Assuredly, the state has an important interest in determining how local and state officials administer juvenile justice. Yet, the presence of an important state interest alone is not determinative in the *Younger* abstention analysis.

The Defendants herein note that juvenile adjudications may be appealed, thus providing these juveniles an opportunity to raise constitutional or other federal law questions. Defendants here overlook the thrust of the United States' lawsuit, to address alleged widespread constitutional violations and to craft a solution which will apply to those presently involved in

state court proceedings, as well as to those who on a future date will be principals in similar state court proceedings.

Accordingly, for the reasons above-stated, this court is persuaded to deny Defendants' **[docket no. 10]** motion to dismiss based on *Younger* abstention.

SO ORDERED, this the 4th day of September, 2013.

s/

HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE