

United States Court of Appeals
For the Eighth Circuit

No. 19-1443

Aimee Lewis

Plaintiff - Appellant

v.

Seventh Circuit Court - South Dakota Unified Judicial System, individual and official capacity; Rapid City Police Department, individual and official capacity; Pennington County Sheriff's Department, individual and official capacity; Debra Diana Watson, Watson Law Office, P.C. in individual and official capacity; Joshua Gednalske, individual and official capacity; Dwayne Gednalske, individual and official capacity; Janice Gednalske, individual and official capacity

Defendants - Appellees

Appeal from United States District Court
for the District of South Dakota - Rapid City

Submitted: January 29, 2020

Filed: February 12, 2020

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Aimee Lewis appeals the district court's¹ dismissal, under Younger v. Harris, 401 U.S. 37 (1971), of her 42 U.S.C. § 1983 complaint alleging violations of her constitutional rights in a pending state court custody action. Upon review, we find that the district court did not abuse its discretion in abstaining under Younger. See Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69, 78 (2013) (Younger abstention applies in state civil proceedings involving orders uniquely in furtherance of state courts' ability to perform their judicial functions); Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982) (Younger abstention requires that state proceeding is judicial, implicates important state interests, and provides adequate opportunity to raise constitutional challenges); see also Minn. Living Assistance, Inc. v. Peterson, 899 F.3d 548, 551 (8th Cir. 2018) (abuse of discretion review of district court's decision to abstain under Younger; court abuses its discretion when it makes error of law). We conclude that there is no merit to the contentions that Younger abstention was unavailable because of Federal Rule of Civil Procedure 24 or because this case involves an assertion of Lewis's federal constitutional rights. Moore v. Sims, 442 U.S. 415, 435 (1979) (approving application of Younger abstention in child-welfare litigation in the face of federal constitutional claims); see Disability Advocates, Inc. v. New York Coal. for Quality Assisted Living, Inc., 675 F.3d 149, 160 (2d Cir. 2012) (intervention does not provide a basis for jurisdiction and cannot be used to circumvent Younger abstention).

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Daneta Wollmann, United States Magistrate Judge for the District of South Dakota.