

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

January 31, 2012

Lyle W. Cayce  
Clerk

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No. 11-30651  
Summary Calendar

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EMMETT SPOONER, SR.; CHERYL W. SPOONER,

Plaintiffs-Appellants,

versus

SID GAUTREAUX, Sheriff;  
CAPITAL ONE NATIONAL ASSOCIATION, INCORPORATED,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
No. 3:11-CV-89

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Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:\*

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-30651

The plaintiffs, proceeding *pro se* in the district court and on appeal, sued under 42 U.S.C. § 1983, attacking various transactions regarding a foreclosure. The magistrate judge issued an extensive report recommending that the district court should abstain from exercising jurisdiction and should dismiss the suit without prejudice. The district court adopted that recommendation.

We agree with the magistrate judge that abstention is required by *Younger v. Harris*, 401 U.S. 37 (1971), and *Health Net, Inc. v. Wooley*, 534 F.3d 487 (5th Cir. 2008). The judgment of dismissal without prejudice is AFFIRMED, essentially for the reasons given by the magistrate judge in her report. The motion for leave to file a supplemental brief and to provide additional evidence is DENIED.