

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSIAH ENGLISH III,

Plaintiff-Appellant,

v.

THEODORE CAMPAGNOLO, Maricopa
County Superior Court Judge in his
individual and official capacity; et al.,

Defendants-Appellees.

No. 18-16258

D.C. No. 2:17-cv-03221-GMS-JZB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, Chief Judge, Presiding

Submitted December 17, 2018**

Before: WALLACE, SILVERMAN, and McKEOWN, Circuit Judges.

Arizona state pretrial detainee Josiah English, III, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action challenging his state court grand jury and child custody proceedings. We have jurisdiction under

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review de novo a district court’s dismissal under the *Younger* abstention doctrine. *ReadyLink Healthcare, Inc. v. State Comp. Ins. Fund*, 754 F.3d 754, 758 (9th Cir. 2014). We affirm.

The district court properly dismissed English’s action as barred under the *Younger* abstention doctrine because federal courts are required to abstain from interfering with pending state court proceedings where “the federal action would have the practical effect of enjoining the state proceedings.” *Id.* at 758-59 (setting forth requirements for *Younger* abstention in civil cases, and explaining that “the date for determining whether *Younger* applies is the date the federal action is filed” (citation and internal quotation marks omitted)).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

English’s request for a temporary restraining order, set forth in his opening brief, is denied.

English’s motion for clarification (Docket Entry No. 10) is granted.

AFFIRMED.