

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2023

FOR THE NINTH CIRCUIT

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

CORNEL JACKSON,

No. 22-16920

Plaintiff-Appellant,

D.C. No. 1:22-cv-00069-ADA-EPG

v.

MEMORANDUM*

COUNTY OF MADERA, a Municipality of
the State of California; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Ana de Alba, District Judge, Presiding

Submitted November 14, 2023 **

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

California state prisoner Cornel Jackson appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action under *Younger v. Harris*, 401 U.S. 37 (1971). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal under 28

* 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).

U.S.C. § 1915A); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)); *Gilbertson v. Albright*, 381 F.3d 965, 982 n.19 (9th Cir. 2004) (*Younger* abstention). We affirm.

The district court properly dismissed Jackson’s claims for injunctive and declaratory relief as barred by the *Younger* abstention doctrine because Jackson’s state court criminal action is ongoing, those proceedings implicate important state interests, there is an adequate opportunity for Jackson to litigate his constitutional claims therein, and the relief requested would enjoin the ongoing state proceedings. *See Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018) (listing the requirements for *Younger* abstention).

The district court properly dismissed Jackson’s claims for damages because Jackson failed to allege facts sufficient to state a plausible claim for malicious prosecution. *See Siebel v. Mittlesteadt*, 161 P.3d 527, 530 (Cal. 2007) (listing the elements of malicious prosecution in California, including the requirement that the action “legally terminated in the plaintiff’s favor”); *see also Lacey v. Maricopa County*, 693 F.3d 896, 919 (9th Cir. 2012) (explaining that malicious prosecution is cognizable under § 1983 if it is “conducted with the intent to . . . subject a person to a denial of constitutional rights” (citation omitted)).

AFFIRMED.