

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

WILLIAM C. PLOUFFE, JR.

PLAINTIFF

V.

4:08CV1778 JMM

**STARK LIGON, Executive Director, Office of
Professional Conduct, Arkansas Supreme Court
Committee on Professional Conduct, in his
official capacity**

DEFENDANT

ORDER GRANTING MOTION TO DISMISS

Pending is the Motion to Dismiss of Defendant Stark Ligon. The Plaintiff has responded to the Motion. For the reasons set forth below, the Motion is GRANTED.

Plaintiff William C. Plouffe, Jr. is an attorney licensed to practice law in the State of Arkansas. He has filed a Complaint for equitable and/or declaratory relief against the Defendant for alleged violation of his rights under the First, Ninth, and Fourteenth Amendments to the Constitution. Plaintiff claims the Defendant violated his rights by filing an ethics complaint against him to the Arkansas Supreme Court Committee on Professional Conduct. The ethics complaint alleged that the Plaintiff violated Arkansas Rule of Professional Conduct 8.4(d) in a brief he filed with the Arkansas Court of Appeals. Plaintiff asserts that the ethics complaint violates his right to free speech, right to petition for redress of grievances, right to raise judicial misconduct on appeal and right to due process.

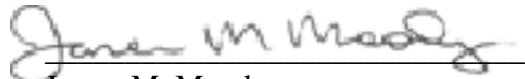
In his Motion to Dismiss, the Defendant argues that abstention is appropriate in this case under either the *Younger* abstention doctrine or the *Colorado River* abstention doctrine.

The *Younger* abstention doctrine prohibits a federal court from interfering in pending state civil cases where (1) there is an ongoing state proceeding, (2) that implicates important state interests, and (3) there is an adequate opportunity in the state proceeding to raise the federal

issues. *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432, 102 S.Ct. 2515, 73 L.Ed.2d. Here, there is an ongoing state proceeding implicating the state's interest in overseeing a code of ethics for attorneys licensed to practice in state of Arkansas, and there is adequate protection and procedure in place to protect and enforce Plaintiff's constitutional rights. *See* Ark. Prof. Cond. Proc. §§ 5-12. The Court does not find that this case falls within any exception to the application of *Younger* abstention.

Accordingly, Defendant's motion to dismiss is GRANTED (# 5). Judgment will be entered accordingly.

IT IS SO ORDERED this 1st day of December 2008.

A handwritten signature in cursive script, appearing to read "James M. Moody", written over a horizontal line.

James M. Moody
United States District Judge