

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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CHRISTOPHER KENNEDY,
Plaintiff,
v. Civ No. 3:06CV01003 (CFD)
JONATHAN J. KAPLAN, EDWARD
GRAZIANI, LAWRENCE KLACZAK,
THERESA WASSENBURG, PETER
MYERS,
Defendants.
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RULING ON APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff Christopher Kennedy seeks an order (1) enjoining further proceedings in a family matter pending in Connecticut Superior Court in the Judicial District of Rockville, and (2) vacating Connecticut Superior Court Judge Graziani's order awarding sole custody of the plaintiff's children to their mother. In light of the principles of Younger v. Harris, 401 U.S. 37 (1971), as elaborated on in Judice v. Vail, 430 U.S. 327 (1997), and Trainor v. Hernandez, 431 U.S. 434 (1977), it does not appear based on the current state of the record that this court should interfere in ongoing state court proceedings. The principles of abstention articulated in Younger and its progeny are particularly applicable where, as appears to be the case here, the plaintiff has not appealed the complained of actions in the state courts. See Huffman v. Pursue, Ltd., 420 U.S. 592, 611

(1975) ("We believe that a necessary concomitant of Younger is that a party . . . must exhaust his state appellate remedies before seeking relief in the District Court, unless he can bring himself within one of the exceptions specified in Younger"). The court notes that the Younger exceptions are narrow, and that the plaintiff has failed make a showing sufficient to establish "that the state court proceeding is motivated by a desire to harass or is conducted in bad faith . . ." Huffman, 420 U.S. at 611.

Accordingly, plaintiff Christopher Kennedy's motion for an injunction (Doc. No. 3) is hereby DENIED, without prejudice.

It is so ordered.

Dated this 29th day of June 2006 at Hartford, Connecticut.

/s/ (AWT)
Alvin W. Thompson
United States District Judge