

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JONATHAN MULLANE,

Plaintiff,

v.

Case No.: 4:21cv164-MW/MJF

**JAMES ALMON and MICHELLE
GAVAGNI,**

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 34, and has also reviewed *de novo* Plaintiff's objections, ECF No. 41, and attachments, as well as the Defendants' response, ECF No. 44.

In a transparent attempt to circumvent *Younger* abstention, Plaintiff has withdrawn his bar application. ECF No. 41 at 2 ("The *Younger* abstention issue is now moot; the state-court proceeding was subsequently withdrawn and terminated following the entry of the R&R[.]"); *see also* ECF No. 40 at 12 (letter notifying Defendants that Plaintiff has withdrawn his application for admission to the Florida Bar). However, this Court does not countenance such gamesmanship. Moreover, it is a losing tactic.

Younger abstention still applies in this case, because the state judicial proceedings were ongoing at the date of filing of the federal complaint. *See Henry v. Fla. Bar*, 701 F. App'x 878, 882 (11th Cir. 2017) (citing *Liedel v. Juvenile Court of Madison Cty., Ala.*, 891 F.2d 1542, 1546 n.6 (11th Cir. 1990)). Plus, Plaintiff's withdrawal of his bar application appears to have mooted his claims for prospective relief as there is no longer a live controversy or ongoing harm that this Court can address through declaratory or injunctive relief.

In addition, Plaintiff's withdrawal of his bar application does nothing to change the Magistrate Judge's correct conclusion that Defendants are entitled to quasi-judicial immunity from Plaintiff's claims for damages. *See Sparks v. Character and Fitness Comm. of Kentucky*, 859 F.2d 428 (6th Cir. 1988); *see also Diaz v. Moore*, 861 F. Supp. 1041, 1049 (N.D. Fla. 1994).

Accordingly,

IT IS ORDERED:

The report and recommendation, ECF No. 34, is **accepted and adopted**, over the Plaintiff's objections, as this Court's opinion. Defendants' motion to dismiss, ECF No. 14, is **GRANTED**. The Clerk shall enter judgment stating, "Plaintiff's claims for declaratory and injunctive relief are **DISMISSED without prejudice**. Plaintiff's claims for damages are **DISMISSED with prejudice** because Defendants

are entitled to quasi-judicial immunity.” The Clerk shall close the file.

SO ORDERED on May 10, 2022.

s/Mark E. Walker
Chief United States District Judge