

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

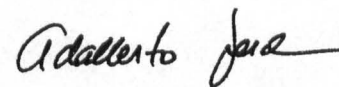
JOHN B. THOMPSON,)
)
Plaintiff,)
)
vs.)
)
THE FLORIDA BAR, et al.,)
)
Defendants.)
_____)

ORDER DENYING MOTION FOR RECONSIDERATION

Mr. Thompson’s motion for reconsideration [D.E. 354] is DENIED. Mr. Thompson contends that *Younger/Middlesex* abstention does not apply to a claim for a declaratory judgment, and asserts that I erred by not considering his declaratory judgment claim on the merits. Mr. Thompson’s initial premise, however, is simply mistaken. The Supreme Court expressly extended *Younger* abstention to claims for declaratory relief in *Samuel v. Mackell*, 401 U.S. 66, 69-72 (1971). Because Mr. Thompson’s constitutional challenges to certain Florida Bar rules are intertwined with the ongoing state disciplinary proceedings, and because Mr. Thompson has the ability to raise his constitutional challenges before Referee Tunis and before the Florida Supreme Court (if he does not prevail before Referee Tunis), abstention is appropriate as to his request for a declaratory judgment.

This order is being issued after 6:00 p.m. on Wednesday, November 21, 2007, and will be sent by email to the parties this evening. Given the Thanksgiving holiday, however, the order will probably not appear on the docket sheet until Monday, November 26, 2007.

DONE and ORDERED in chambers in Miami, Florida, this 21st day of November, 2007.



Adalberto Jordan
United States District Judge

Copy to all counsel of record