FILED
United States Court of Appeals
Tenth Circuit

May 19, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

ELIZABETH COVINGTON, individually, and JOHN MARSHALL HUMPHRIES,

Plaintiffs - Appellants,

v.

JOHN HUMPHRIES, an individual; JAMES PLUMHOFF, in his capacity as Child Legal Representative,

Defendants,

and

JILL BETZ, in her capacity as a social worker/caseworker for San Miguel County Department of Human Services; CAROL FRIEDRICH, in her capacity as the current director of San Miguel County Department of Human Services,

Defendants - Appellees.

No. 24-1158
(D.C. No. 1:23-CV-00723-GPG-KAS)
(D. Colo.)

ORDER AND JUDGMENT*

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* After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Before **MATHESON**, **EBEL**, and **CARSON**, Circuit Judges.

For over 10 years, Elizabeth Covington and John Humphries have litigated a Colorado state court domestic relations case regarding their marriage dissolution and parenting of their children—G.E.H. and J.M.H. In March 2023, Ms. Covington and J.M.H. filed a suit in federal district court against Mr. Humphries; Jill Betz, a social worker at the San Miguel County Department of Human Services ("DHS"); Carol Friedrich, DHS Director; and James Plumhoff, the Child Legal Representative in the domestic relations proceedings. Ms. Covington and J.M.H. alleged damages claims under 42 U.S.C. §§ 1981 and 1983.[1]

The district court dismissed the complaint for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine.[2] It further said that, to the extent state court proceedings were ongoing, the *Younger* abstention doctrine barred review.[3] Exercising jurisdiction under 28 U.S.C. § 1291, we reverse and remand because the *Rooker-Feldman* and *Younger* abstention doctrines do not apply.

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[1] For ease of reference, we refer to Ms. Covington and J.M.H. collectively as "Ms. Covington."

[2] This doctrine was named for its two foundational cases—*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

[3] *Younger v. Harris*, 401 U.S. 37 (1971).

I. BACKGROUND

A. *State Court Proceedings*

We first include a summary of the state court proceedings.

1. Domestic Relations Case

During the domestic relations case, ongoing since 2010, Ms. Covington has accused Mr. Humphries of abusing the children.

a. July 2022 order

In a July 2022 order, the Colorado district court found that Ms. Covington had "failed to comply with the parenting time schedule and violated the court's orders," App. at 131, including alienating the children from Mr. Humphries ("July 2022 order"). As a remedy, the court shifted decision-making for G.E.H. from Ms. Covington to Mr. Humphries. The court also found "there [was] an absence of credible evidence or information that [Mr. Humphries] has been abusive, neglectful, or seriously deficient in his parenting." *Id.* at 116; *see also id.* at 121-22, 126-27.

b. August 2024 appellate decision

Ms. Covington appealed the July 2022 order. In August 2024, the Colorado Court of Appeals held the district court lacked statutory authority to reallocate decision-making for G.E.H. to Mr. Humphries. *In re Marriage of Humphries & Covington*, 559 P.3d 271, 275-78 (Colo. App. 2024), *cert. denied*, No. 24SC616, 2025 WL 764619, at *1 (Colo. Mar. 10, 2025). The court reversed this portion of the July 2022 order and remanded for further proceedings. *Id.* at 277-78. It affirmed the district court's rulings "conclud[ing] that there was insufficient credible evidence of father's alleged abuse," finding the abuse

allegations were "unsupported by the record," and rejecting Ms. Covington's child abuse expert opinions. *Id.* at 279.

2. **November 2022 Case**

In November 2022, Ms. Covington, on behalf of her children, sued Mr. Humphries in state court based on his purported child abuse from 2013 to 2020. The complaint alleged (1) negligence, (2) false imprisonment, and (3) extreme and outrageous conduct. In June 2024, the district court granted a stipulated motion to dismiss the case with prejudice. *Covington v. Humphries*, 2022 CV 30026 (Colo. Dist. Ct. June 17, 2024).

B. ***Federal Court Proceedings***

1. **Complaint**

In March 2023, Ms. Covington filed the suit at issue here. She amended her complaint in July 2023. The amended complaint alleged that Mr. Humphries physically abused both children. It alleged that Ms. Betz and Ms. Friedrich worked with Mr. Humphries to "concoct[] narratives and blatantly disregard[] the safety of the minor children when they were with [Mr.] Humphries," App. at 27, "conduct[ed] sham investigations as to child abuse, destroy[ed] evidence from files," and misrepresented the extent of their child abuse investigation, *id.* at 42. Ms. Betz's and Ms. Friedrich's alleged conduct included "maliciously falsifying evidence," "presenting fabricated evidence and perjured testimony to the court," and "maliciously refusing to provide the full body of reports and evidence when requested by a court." *Id.* at 43. Mr. Plumhoff allegedly failed to convey information about the child abuse to the state court, created a parenting time schedule without consulting Ms. Covington, and "arranged for a forced exchange"

of the children to Mr. Humphries. *Id.* at 30. All Defendants allegedly "conspir[ed] to use trickery, fabrication and/or false testimony or evidence, and failed to recognize compelling evidence in preparing and presenting reports and court documents to the court." *Id.* at 44; *see id.* at 45-47.

The amended complaint listed four claims under 42 U.S.C. §§ 1981, 1983: (1) Ms. Betz and Ms. Friedrich violated Ms. Covington's Fourteenth Amendment right to parent and to familial association; (2) all Defendants conspired to violate Ms. Covington's rights; (3) Ms. Betz and Ms. Friedrich violated J.M.H.'s due process and equal protection rights, "including the right to liberty, familial association and the right to due process of law"; and (4) all Defendants conspired to violate J.M.H.'s rights. App. at 42, 44-46.

2. **Dismissal and Appeal**

The district court dismissed the case for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine, concluding the amended complaint launched a "direct attack" on the July 2022 order in the state domestic relations case. *Id.* at 262. The court also held, to the extent state proceedings remained ongoing, it must abstain under *Younger* from considering the federal claims.

Ms. Covington timely appealed, but only as to Ms. Betz and Ms. Friedrich. *Id.* at 266; Aplt. Doc. 29.

II. DISCUSSION

We review de novo the district court's application of the *Rooker-Feldman* and *Younger* abstention doctrines. *Miller v. Deutsche Bank Nat'l Tr. Co.* (*In re Miller*),

666 F.3d 1255, 1260 (10th Cir. 2012) (*Rooker-Feldman*); *Brown ex rel. Brown v. Day*, 555 F.3d 882, 887 (10th Cir. 2009) (*Younger*).

Rooker-Feldman does not apply because the state proceedings were not final when Ms. Covington filed the federal complaint in March 2023. *Younger* abstention does not apply to the state domestic relations proceedings here. We reverse and remand.

A. **Rooker-Feldman**

1. **Legal Standard**

"The *Rooker-Feldman* doctrine precludes a losing party in state court who complains of injury caused by the state-court judgment from bringing a case seeking review and rejection of that judgment in federal court." *In re Miller*, 666 F.3d at 1261. It applies "only to suits filed after state proceedings are final." *Guttman v. Khalsa*, 446 F.3d 1027, 1032 (10th Cir. 2006).

In *Guttman*, the plaintiff filed his federal lawsuit while his petition for certiorari to the New Mexico Supreme Court was still pending. *Id.* We deemed the plaintiff's state lawsuit not final and held that *Rooker-Feldman* did not bar his federal lawsuit. *Id.* Thus, a state proceeding is not final if an appeal to a state appellate court or a petition for writ of certiorari to the state supreme court is pending. *Id.*; *D.A. Osguthorpe Fam. P'ship v. ASC Utah, Inc.*, 705 F.3d 1223, 1232 (10th Cir. 2013); *see Bear v. Patton*, 451 F.3d 639, 642 (10th Cir. 2006) (describing "the relevant inquiry" for *Rooker-Feldman* "is whether, at the time the federal action was filed, the [state court] judgment . . . was final and appealable under [state] law and, if so, whether [plaintiff's] time for taking an appeal had run").

2. **Analysis**

The district court erred because "*Rooker-Feldman* applies only to suits filed after state proceedings are final." *Guttman*, 446 F.3d at 1032. When Ms. Covington filed the complaint in March 2023, the July 2022 order was pending on appeal to the Colorado Court of Appeals.[4] The state proceedings were therefore not final and *Rooker-Feldman* did not apply.

The Colorado Court of Appeals' August 2024 decision does not affect this conclusion because it was handed down after the March 2023 federal suit filing date. *See id.* at 1030-32 (holding *Rooker-Feldman* did not apply because the state proceeding was not final when the federal complaint was filed, even though the state proceedings became final as the federal case was pending).

B. **Younger *Abstention***

Ms. Covington argues that *Younger* abstention does not apply to this case. Aplt. Br. at 27 n.8; Aplt. Reply Br. at 8-9. Appellees Betz and Friedrich argue we should agree with the district court's dismissal under *Younger* as an alternative ground to affirm. Aplee. Br. at 16-17. We agree with Ms. Covington.[5]

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[4] The district court said "[n]either party has argued that [the July 2022 order] is not final." App. at 261-62. But the record and state court dockets show the domestic relations case was ongoing.

Rooker-Feldman also did not apply to the November 2022 state case because the case was ongoing when Ms. Covington filed the federal complaint in March 2023.

[5] Even if *Younger* applied, "the appropriate course" would not have been dismissal but instead would have been "staying proceedings on the federal damages claim until the state proceeding is final." *Graff v. Aberdeen Enterprizes, II, Inc.*, 65 F.4th 500, 523

1. **Legal Standard—*Younger* abstention and the *Sprint* categories**

The *Younger* abstention doctrine generally requires federal courts to abstain from interfering with ongoing state legal proceedings. *Weitzel v. Div. of Occupational & Pro. Licensing of Dep't of Com.*, 240 F.3d 871, 874-75 (10th Cir. 2001) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). It applies when "(1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings involve important state interests." *Id.* at 875 (quotations omitted).

In addition to the foregoing elements, the Supreme Court has further limited *Younger* to three categories. In *New Orleans Public Service, Inc. v. Council of the City of New Orleans*, 491 U.S. 350 (1989), the Court, drawing from its previous *Younger* decisions, said the doctrine applies when the state proceedings are (1) "criminal prosecutions," *id.* at 368; (2) certain "civil enforcement proceedings," *id.* (citing *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 604 (1975); *Trainor v. Hernandez*, 431 U.S. 434, 444 (1977); *Moore v. Sims*, 442 U.S. 415, 423 (1979)); or (3) "civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions," *id.* (citing *Juidice v. Vail*, 430 U.S. 327, 336 n.12 (1977); *Pennzoil Co. v. Texaco Inc.*, 481 U.S. 1, 13 (1987)). In *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013), the Court said *Younger* applies only to these three "exceptional"

(10th Cir. 2023) (quoting *D.L. ex rel. J.L. v. Unified Sch. Dist. No. 497*, 392 F.3d 1223, 1228 (10th Cir. 2004)).

categories of state proceedings. *Id.* at 78; *see* Erwin Chemerinsky, *Federal Jurisdiction* 924 (8th ed. 2021) ("In *Sprint* . . . the Court was explicit that *Younger* abstention is not to be extended beyond the three categories . . . .").

As this court recently noted, "If and only if the state court proceeding falls within one of the[se] enumerated 'exceptional' types of cases" from *Sprint* "*may* courts analyze the propriety of abstention" under *Younger*. *Travelers Cas. Ins. Co. of Am. v. A-Quality Auto Sales, Inc.*, 98 F.4th 1307, 1317 (10th Cir. 2024). Because the underlying state proceeding here is a civil case, we provide the following additional background on the second and third *Sprint* categories.

The second *Sprint* category includes certain civil enforcement proceedings that are "'akin to a criminal prosecution' in 'important respects.'" *Sprint*, 571 U.S. at 78-79 (quoting *Huffman*, 420 U.S. at 604). "In cases of this genre, a state actor is routinely a party to the state proceeding and often initiates the action," and the "enforcement actions are characteristically initiated to sanction the federal plaintiff, *i.e.*, the party challenging the state action, for some wrongful act." *Id.* at 79 (citing *Moore*, 442 U.S. at 419-20); *see also Hunter v. Hirsig*, 660 F. App'x 711, 716 (10th Cir. 2016) (unpublished) (applying this category to state proceedings that "originated with the state's proactive enforcement of its laws" (quotations omitted)).[6] In *Moore*, for example, the Texas Department of Human Resources sued two parents for child abuse and to take temporary

[6] We cite unpublished cases as persuasive under Fed. R. App. P. 32.1(A) and 10th Cir. R. 32.1.

custody of their children. 442 U.S. at 419-21. The Supreme Court held that *Younger* abstention applied because the state was a party to the proceeding and "the temporary removal of a child in a child-abuse context is . . . 'in aid of and closely related to criminal statutes.'" *Id.* at 423 (quoting *Huffman*, 420 U.S. at 604).

The third *Sprint* category covers state proceedings "involving certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions," *Sprint*, 571 U.S. at 78, which includes orders and processes that "lie[] at the core of the administration of a State's judicial system" and through which the state "vindicates the regular operation of its judicial system," *Juidice*, 430 U.S. at 335. In *Juidice*, the Supreme Court held *Younger* abstention applied to a state court contempt proceeding in a suit between private parties because contempt enforcement "stands in aid of the authority of the judicial system, so that its orders and judgments are not rendered nugatory." *Id.* at 336 n.12. In *Pennzoil*, the Court held *Younger* applied when the federal suit "challenge[d] . . . the processes by which the State compels compliance with the judgments of its courts." 481 U.S. at 13-14.[7]

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[7] *See also Smith & Wesson Brands, Inc. v. Att'y Gen. of New Jersey*, 27 F.4th 886, 894 (3d Cir. 2022) (holding this category applies to state proceedings where the "substantive outcome had occurred; only enforcement remained," and federal courts must abstain to avoid "imped[ing] that enforcement"); *Rynearson v. Ferguson*, 903 F.3d 920, 926 (9th Cir. 2018) (reasoning this category "is geared to ensuring that federal courts do not interfere in the procedures by which states administer their judicial system and ensure compliance with their judgments"); *Cook v. Harding*, 879 F.3d 1035, 1041 (9th Cir. 2018) (holding this category did not apply where the state court proceedings "d[id] not relate to the state courts' ability to enforce compliance with judgments already made").

2. **District Court Order**

In a footnote, the district court identified *Younger* abstention as an alternative ground to dismiss the complaint. It reasoned that "[t]o the extent that [the July 2022 order] is not final and there is ongoing litigation" in the state domestic relations proceedings "then this would preclude this Court from hearing the case under the *Younger* abstention doctrine." App. at 262 n.6. The court said the November 2022 state case "arguably . . . would also preclude this Court from hearing the case" under *Younger*. *Id.* It cited the three *Younger* elements without first assessing whether the state proceedings fall into one of the *Sprint* categories. It also relied on *Morkel v. Davis*, 513 F. App'x 724 (10th Cir. 2013) (unpublished), in which we abstained under *Younger* based on an ongoing state divorce and child custody case.

3. **Analysis**

a. Ongoing proceedings

"*Younger* requires federal courts to refrain from ruling when it could interfere with ongoing state proceedings." *Columbian Fin. Corp. v. Stork*, 811 F.3d 390, 393 (10th Cir. 2016).

The November 2022 state case was ongoing when Ms. Covington filed her federal complaint in March 2023 and when the federal district court dismissed the case without prejudice in March 2024. But it is not ongoing now because the parties dismissed the November 2022 case with prejudice in June 2024. Under "these circumstances, we [would] vacate [the *Younger*] dismissal" and "remand the[] claims to the [federal] district

court so that it can reconsider them without the need to abstain now that the state proceedings have ended." *Id.* at 395.

That leaves only the domestic relations case to determine whether the *Sprint* categories apply because it is still ongoing following remand from the state appellate court in August 2024. *See In re Marriage of Humphries*, 559 P.3d at 282.[8]

b. Sprint *categories and the domestic relations case*

The state domestic relations proceedings here do not fit the *Sprint* categories, so *Younger* is inapplicable. *See Travelers*, 98 F.4th at 1317.

The first category does not apply because the state case is not a criminal prosecution. *Sprint*, 571 U.S. at 72.

The second category does not apply because the domestic relations proceedings are not civil enforcement proceedings brought by state actors against private parties. *See Moore*, 442 U.S. at 423; *Huffman*, 420 U.S. at 604; *Hunter*, 660 F. App'x at 716; *Malhan v. Sec'y U.S. Dep't of State*, 938 F.3d 453, 463 (3d Cir. 2019) (holding this category inapplicable because the "wife, not the State, began the family court case"). And they are not "state proceeding[s] which in important respects [are] more akin to a criminal prosecution than are most civil cases." *Huffman*, 420 U.S. at 604; *see Sprint*, 571 U.S. at 79; *Cook v. Harding*, 879 F.3d 1035, 1040 (9th Cir. 2018).

[8] The state court docket indicates the case is ongoing.

The third category does not apply because the domestic relations proceedings do not concern "certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint*, 571 U.S. at 78. The July 2022 order addressed a parenting time dispute and evidentiary issues about Mr. Humphries's alleged child abuse. It does not "lie[] at the core of the administration of [the] State's judicial system." *Juidice*, 430 U.S. at 335. Nor does it implicate the state's contempt process, *id.*, or other "processes by which the State compels compliance with the judgments of its courts," *Pennzoil*, 481 U.S. at 13-14. Nor does it "ensure that [state] courts can perform their functions"—it is "merely the output of those functions." *Malhan*, 938 F.3d at 463. And it does not concern the state court's "ability to enforce compliance with judgments already made." *Cook*, 879 F.3d at 1041.

In sum, the third category does not apply because the circumstances of these state domestic relations proceedings do not "implicate [the] State's interest in enforcing the orders and judgments of its courts." *Sprint*, 571 U.S. at 72-73.[9] To hold otherwise would extend *Younger* beyond the "exceptional circumstances" that "justify a federal court's refusal to decide a case in deference to the States." *Id.* at 78 (quotations omitted);

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[9] The third *Sprint* category also does not apply because Ms. Covington's federal damages suit does not "question the *process* by which [state] courts compel compliance with" their orders and judgments, *Cook*, 879 F.3d at 1041, nor does it seek to "enjoin or otherwise interfere with such [state] proceedings." *Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 953 F.3d 660, 671 (10th Cir. 2020) (holding *Younger* did not apply to a state proceeding involving the state contempt process because the federal relief requested did not "directly or indirectly thwart state court compliance processes").

see also McGoffney v. Rahaman, No. 23-1060, 2023 WL 6890917, at *4 (10th Cir. Oct. 19, 2023) (unpublished) (holding the third *Sprint* category "does not encompass run-of-the-mill probate proceedings").[10]

Because the state domestic relations proceedings here fall outside the *Sprint* categories, *Younger* abstention does not apply.

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[10] The district court's reliance on *Morkel* to justify *Younger* abstention was misplaced. App. at 262 n.6 (citing *Morkel*, 513 F. App'x at 727). *Morkel* said, "This court and other circuits have consistently applied *Younger* to child custody cases." 513 F. App'x at 728 (collecting cases). But *Morkel* predated *Sprint*. Like the Ninth Circuit, we do not "rel[y] on previous applications of *Younger* abstention to family law cases and the state's unique interest and sole jurisdiction in the law of domestic relations" because "*Younger* abstention is improper in civil cases outside of the . . . limited [*Sprint*] categories . . . regardless of the subject matter or the importance of the state interest." *Cook*, 879 F.3d at 1039.

After *Sprint*, *Younger* could still apply to a state domestic relations case, but only if the circumstances fall into a *Sprint* category. This court has applied *Younger* to state domestic relations proceedings in unpublished post-*Sprint* decisions. *See, e.g.*, *Thompson v. Romeo*, 728 F. App'x 796, 798 (10th Cir. 2018) (unpublished); *Snyder v. Goble*, No. 24-4009, 2025 WL 484876, at *2 (10th Cir. Feb. 13, 2025) (unpublished). But none expressly addressed the *Sprint* categories. *See Travelers*, 98 F.4th at 1317 (holding we must apply *Sprint*); *Planned Parenthood of Kansas v. Andersen*, 882 F.3d 1205, 1222-23 (10th Cir. 2018) (applying *Sprint* to hold the state proceedings "were not the type of proceedings meriting *Younger* abstention").

III. CONCLUSION

We reverse and remand for further proceedings consistent with this order and judgment.

Entered for the Court

Scott M. Matheson, Jr.
Circuit Judge