

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA, NORTHERN DIVISION

Jessica Jay Scott, et al. v. Chilton County Department of Human  
Resources, et al.

Scott · No. 2:25-cv-928-RAH · Decided March 31, 2026

SUMMARY

The United States District Court for the Middle District of Alabama dismissed without prejudice a federal civil rights action arising from ongoing state child-removal and termination-of-parental-rights proceedings. The court declined to apply the domestic relations exception to federal-question jurisdiction but abstained under Younger, finding that the requested relief would interfere with important ongoing state proceedings. The court also concluded that the complaint was an impermissible shotgun pleading and directed the clerk to close the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Alabama, Northern Division                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | R. Austin Huffaker Jr.                                                                                                                                                                                                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Middle District of Alabama, Northern Division                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | March 31, 2026                                                                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 2:25-cv-928-RAH                                                                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Plaintiffs objected to a magistrate judge's Report and Recommendation recommending dismissal for lack of subject matter jurisdiction under the domestic relations exception. The district court reviewed the objections de novo, rejected application of the domestic relations exception, but dismissed the action without prejudice under Younger abstention and because the complaint was a shotgun pleading. |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 636(b)(1), objected portions of a magistrate judge's recommendation are reviewed de novo, while unobjected portions are reviewed for clear error. A district judge may accept, reject, or modify the recommendation.                                                                                                                                                                           |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRECEDENTIAL VALUE</b> | unknown                                                                                                                                                                                                                       |
| <b>PARTIES</b>            | Jessica Jay Scott, John Burton Eubanks, Jr. v. Chilton County Department of Human Resources, Chilton County Sheriff's Department, Mallory Ratliff, Dayla Hamilton, Ali Patterson, Shane Mayfield, Judge Christopher G. Speaks |

## TOPICS

subject matter jurisdiction civil procedure pleadings injunctions termination of parental rights

## PRACTICE AREAS

civil procedure family law constitutional law civil rights

## QUESTIONS PRESENTED

1. Whether the domestic relations exception deprived the district court of federal-question jurisdiction over plaintiffs' constitutional and 42 U.S.C. § 1983 claims.
2. Whether Younger abstention required dismissal of claims seeking to halt or interfere with ongoing state child-protection and termination-of-parental-rights proceedings.
3. Whether Younger abstention could apply to plaintiffs' § 1983 claims for damages arising from the ongoing state proceedings.
4. Whether the complaint was an impermissible shotgun pleading because it asserted conclusory allegations and failed to identify which defendant was responsible for which conduct.
5. Whether plaintiffs should receive leave to amend.

## HOLDINGS

1. The domestic relations exception does not categorically bar this action because plaintiffs invoked federal-question jurisdiction under 28 U.S.C. § 1331 and asserted constitutional and § 1983 claims. The court declined to extend the exception to this federal-question action.
2. Younger abstention required dismissal without prejudice of plaintiffs' claims for injunctive relief because the requested injunction would halt or interfere with ongoing state termination-of-parental-rights proceedings, the proceedings implicated important state interests, and plaintiffs had not shown that the state proceedings lacked an adequate opportunity to raise their federal claims.
3. The court dismissed without prejudice plaintiffs' § 1983 damages claims under Younger because the ongoing state proceedings implicated important state interests, plaintiffs had not shown that the state forum could not address their alleged constitutional violations, and adjudicating the claims would interfere with the state court's resolution of the termination proceedings.
4. The complaint was a shotgun pleading subject to dismissal because it contained conclusory allegations lacking factual support and failed to distinguish which defendant was responsible for which alleged acts or omissions.

## KEY QUOTATIONS

*“Younger abstention bars federal court intervention in “ongoing state judicial proceeding[s]” where “the proceedings implicate important state interests[] and there is an adequate opportunity in the state proceedings to raise constitutional challenges.””* (Discussion § B)

*“The unifying characteristic of all types of shotgun pleadings is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.”* (Discussion § C)

## FACTUAL BACKGROUND

Plaintiffs alleged that defendants removed their children after plaintiffs were charged with child abuse. Although plaintiffs were acquitted after a jury trial, defendants allegedly did not return the children and instead initiated termination-of-parental-rights proceedings in state court. Plaintiffs sought damages and injunctive relief, including an order halting the termination proceedings and restoring custody. They also alleged that defendants intended to present inaccurate or misleading evidence in the state proceedings.

## PROCEDURAL HISTORY

Plaintiffs filed a federal civil-rights action arising from ongoing state termination-of-parental-rights proceedings. The matter was referred to a magistrate judge, who recommended dismissal under the domestic relations exception. Plaintiffs timely objected, arguing that federal-question jurisdiction existed and that they sought damages and declaratory rather than prospective injunctive relief. The district court sustained the objections in part, rejected the domestic-relations rationale, adopted and rejected portions of the Report and Recommendation, and dismissed the complaint without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- United States v. Raddatz, 447 U.S. 667, 680 (1980)
- Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir. 1988)
- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 409 (11th Cir. 1999)
- Ankenbrandt v. Richards, 504 U.S. 689, 704 (1992)
- Ingram v. Hayes, 866 F.2d 368, 370-72 (11th Cir. 1988)
- Carver v. Carver, 954 F.2d 1573, 1578 (11th Cir. 1992)
- Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 77 (2013)
- New Orleans Public Service, Inc. v. Council of City of New Orleans, 491 U.S. 350, 367-68 (1989)
- Moore v. Sims, 442 U.S. 415, 419-20 (1979)
- Adams v. Florida, 185 F. App'x 816, 816-17 (11th Cir. 2006) (per curiam)
- 31 Foster Children v. Bush, 329 F.3d 1255, 1276-79 (11th Cir. 2003)

- *Butler v. Alabama Judicial Inquiry Commission*, 261 F.3d 1154, 1159 (11th Cir. 2001)
- *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15 (1987)
- *Santosky v. Kramer*, 455 U.S. 745, 766 (1982)
- *Doe v. Kearney*, 329 F.3d 1286, 1293 (11th Cir. 2003)
- *Newton v. Duke Energy Florida, LLC*, 895 F.3d 1270, 1277 (11th Cir. 2018)
- *Doby v. Strength*, 758 F.2d 1405, 1406 (11th Cir. 1985)
- *Prather v. Norman*, 901 F.2d 915, 919 (11th Cir. 1990)
- *Deakins v. Monaghan*, 484 U.S. 193, 202 (1988)
- *Stoddard v. Florida Board of Bar Examiners*, 509 F. Supp. 2d 1117 (N.D. Fla. 2006), *aff'd*, 229 F. App'x 911 (11th Cir. 2007)
- *Boyd v. Georgia*, 512 F. App'x 915, 918 (11th Cir. 2013)
- *Quackenbush*
- *Ford v. Tait*, 163 F. Supp. 2d 57, 67 (D.D.C. 2001)
- *Stein v. Legal Advertising Committee of Discipline Board*, 272 F. Supp. 2d 1260, 1275 (D.N.M. 2003)
- *Discovery House, Inc. v. Consolidated City of Indianapolis*, 970 F. Supp. 655, 660-61 (S.D. Ind. 1997)
- *Wideman v. Colorado*, 242 F. App'x 611
- *McKinney v. Pate*, 20 F.3d 1550, 1560 (11th Cir. 1994)
- *Stubbs v. City of Center Point*, 988 F. Supp. 2d 1270, 1280 (N.D. Ala. 2013)
- *Weiland v. Palm Beach County Sheriff's Office*, 792 F.3d 1313, 1323 (11th Cir. 2015)
- *Brown v. Air Line Pilots Association*, 813 F. App'x 353, 355 (11th Cir. 2020)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 557 (2007)
- *Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001)
- *Jackson v. Bank of America, N.A.*, 898 F.3d 1348, 1357 (11th Cir. 2018)

## OPINION

Scott

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JESSICA JAY SCOTT, et al., ) ) Plaintiffs, ) ) v. ) CASE NO. 2:25-cv-928-RAH )  
CHILTON COUNTY )

DEPARTMENT OF HUMAN )

RESOURCES, et al., ) ) Defendants. )

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on the Report and Recommendation (doc. 17) issued by the Magistrate Judge on March 2, 2026. In the Report, the Magistrate Judge recommended the Court

dismiss the Complaint under the domestic relations exception to federal subject matter jurisdiction. Plaintiffs filed timely objections. (Doc. 18.) For the reasons set forth below, the Complaint is due to be dismissed without prejudice, albeit on different grounds than those recommended by the Magistrate Judge.

## BACKGROUND

Plaintiffs Jessica Jay Scott and John Burton Eubanks, Jr. filed this action on November 21, 2025, against the Chilton County Department of Human Resources, Chilton County Sheriff's Department, Mallory Ratliff, Dayla Hamilton, Ali Patterson, Shane Mayfield, and Judge Christopher G. Speaks. (Doc. 1.) The suit arises out of ongoing termination of parental rights proceedings in state court. (Id.) Defendants removed Plaintiffs' children from their home after Plaintiffs were criminally charged with child abuse. (Id.) After a jury trial, Plaintiffs were acquitted of all charges; however, Defendants refused to return the children to their custody and instead initiated termination proceedings. (Id. at 1.) Plaintiffs seek damages and injunctive relief, including an order "preventing termination of parental rights proceedings" and restoring their "custody rights" over their children. (Id. at 3.) The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 2, 2026, the Magistrate Judge recommended that this matter be dismissed in its entirety for lack of subject matter jurisdiction. The Magistrate Judge found that jurisdiction is lacking because the relief that Plaintiffs seek stems from ongoing child removal and termination of parental rights proceedings, and those are issues of state law, not federal law. (Doc. 17 at 2–3.) Plaintiffs filed timely objections. They argue that federal jurisdiction is proper because they seek only monetary and declaratory relief for past constitutional harms, not prospective injunctive relief. (Doc. 18 at 2.)

## STANDARD OF REVIEW

A district judge has broad discretion to accept, reject, or modify a magistrate judge's proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 680 (1980). Under 28 U.S.C. § 636(b)(1), the Court reviews any portion of the Report and Recommendation that is the subject of a proper objection on a de novo basis and any non-objected portion under a "clearly erroneous" standard. "Parties filing objections to a magistrate's report and recommendation must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988).

## DISCUSSION

The Magistrate Judge recommended that this action be dismissed because the domestic relations exception to federal subject matter jurisdiction foreclosed jurisdiction over Plaintiffs' claims. (Doc. 17 at 2–3.) For the reasons that follow, this Court disagrees that the domestic relations exception applies across-the-board in this matter. Nevertheless, the Court will abstain from hearing this matter under *Younger* abstention. A. Domestic Relations Exception Federal courts are courts of limited jurisdiction. U.S. Const. art. III, § 2. As such, federal district courts "are empowered to hear only those cases within the judicial power of the United States as defined by Article III of the

Constitution, and which have been entrusted to them by a jurisdictional grant authorized by Congress.” *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 409 (11th Cir. 1999). Congress provided that federal subject matter jurisdiction extends over matters “arising under the Constitution, laws, or treaties of the United States,” 28 U.S.C. § 1331, and matters between citizens of different states where the amount in controversy exceeds \$75,000, 28 U.S.C. § 1332. As the Magistrate Judge correctly noted, the Supreme Court has recognized an exception to federal subject matter jurisdiction for domestic relations cases. Under the domestic relations exception, federal courts must generally abstain from deciding matters “involving the issuance of a divorce, alimony, or child custody decree” even if subject matter jurisdiction would otherwise be proper. *Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992). Courts frequently apply this domestic relations exception to cases asserting diversity jurisdiction but have split on whether it applies to cases arising under federal question jurisdiction. See *Ingram v. Hayes*, 866 F.2d 368, 370–72 (11th Cir. 1988) (per curiam). The majority of circuit courts have held that the domestic relations exception does not apply to federal question cases. See, e.g., *Deem v. DiMella-Deem*, 941 F.3d 618, 623 (2d Cir. 2019) (“That the Court in *Ankenbrandt* recognized a domestic relations exception to the diversity jurisdiction statute . . . has no bearing on whether such an exception applies in non- diversity cases.”); *Atwood v. Fort Peck Tribal Ct. Assiniboine*, 513 F.3d 943, 945 (9th Cir. 2008) (“We hold that the ‘domestic relations exception’ . . . applies only to the diversity jurisdiction statute, 28 U.S.C. § 1332 . . . .”); *O’Bryant v. N.J. Div. of Child Prot. & Permanency*, 818 F. App’x 143, 145 (3d Cir. 2020) (per curiam) (same); *Reale v. Wake Cnty. Hum. Servs.*, 480 F. App’x 195, 197 (4th Cir. 2012) (per curiam) (same); *United States v. Bailey*, 115 F.3d 1222, 1231 (5th Cir. 1997) (same); see also *United States v. Crawford*, 115 F.3d 1397, 1401–02 (8th Cir. 1997) (noting that the Supreme Court has only applied the domestic relations exception in diversity cases). But see *Mandel v. Town of Orleans*, 326 F.3d 267, 271 (1st Cir. 2003); *Alexander v. Rosen*, 804 F.3d 1203, 1205 (6th Cir. 2015); *Syph v. Arce*, 772 F. App’x 356, 357 (7th Cir. 2019) (per curiam). Neither the Supreme Court nor the Eleventh Circuit have expressly decided whether the exception applies to federal question cases, but the Eleventh Circuit has noted that “the courts that liberally apply the domestic relations exception to federal question jurisdiction” have not done so in all cases, but only “when the federal court would necessarily become enmeshed in the domestic factual disputes.” *Ingram*, 866 F.2d at 372; see also *Carver v. Carver*, 954 F.2d 1573, 1578 (11th Cir. 1992) (“[T]he domestic relations exception has been applied only to diversity jurisdiction or federal question jurisdiction which would require adjudication of domestic affairs.”). Here, the Court’s subject matter jurisdiction is rooted in federal question jurisdiction because Plaintiffs assert claims pursuant to the Constitution and laws of the United States, including 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments to the Constitution. (Doc. 1 at 2.) See 28 U.S.C. § 1331. Given the lack of clear precedent by the Eleventh Circuit, this Court declines to extend the domestic relations exception to this matter arising under federal question jurisdiction. Accordingly, Plaintiffs’ objections to the Magistrate

Judge's Report are due to be sustained to the extent they argue against application of the domestic relations exception in this matter. B. Younger Abstention Although the domestic relations exception does not apply in this matter, the Court nevertheless will abstain from hearing Plaintiffs' claims. In the Complaint, Plaintiffs request injunctive relief "preventing termination of parental rights proceedings" and restoring their custody rights over their minor children.<sup>1</sup> (Doc. 1 at 3.) Plaintiffs also seek damages related to alleged constitutional violations in the course of the ongoing proceedings. Because such relief would interfere with ongoing state civil enforcement proceedings,<sup>2</sup> Younger abstention is proper, and the Complaint is due to be dismissed without prejudice. The Supreme Court has made clear that Younger abstention is limited to three "exceptional" categories: (1) "state criminal prosecutions[,]"; (2) "civil enforcement proceedings[,]"; and (3) "civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint Commc'ns Inc. v. Jacobs*, 571 U.S. 69, 77 (2013) (quoting *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 367–68 (1989)). At issue here is the exact type of civil enforcement for which Younger has been extended to cover, <sup>1</sup> In their objections, Plaintiffs appear to attempt to amend the complaint and disclaim any request for injunctive relief related to the ongoing state proceedings. But when "a request for leave to file an amended complaint simply is imbedded within an opposition memorandum, the issue has not been raised properly." *Newton v. Duke Energy Fla., LLC*, 895 F.3d 1270, 1277 (11th Cir. 2018). Therefore, the Court will only consider the relief requested in the operative complaint, which includes a request for injunctive relief. <sup>2</sup> According to the notice filed by Plaintiffs, termination proceedings were scheduled for February 18, 2026. (Doc. 15.) For the purposes of this Order, the Court assumes that the proceedings in state court remain ongoing. Even if the proceedings have concluded, abstention from hearing Plaintiffs' claims for injunctive relief would be proper under *Rooker–Feldman*. See, e.g., *Liedel v. Juv. Ct. of Madison Cnty.*, 891 F.2d 1542, 1544–46 (11th Cir. 1990) (holding that complaint must be dismissed under *Rooker–Feldman* where relief would "effectively nullify . . . state orders"). e.g., child protection and child custody proceedings. See *Moore v. Sims*, 442 U.S. 415, 419–20 (1979) (extending Younger to state-initiated proceeding to gain custody of children allegedly abused by their parents). Younger abstention bars federal court intervention in "ongoing state judicial proceeding[s]" where "the proceedings implicate important state interests[]" and there is an adequate opportunity in the state proceedings to raise constitutional challenges." *Adams v. Florida*, 185 F. App'x 816, 816–17 (11th Cir. 2006) (per curiam). To determine whether the federal proceeding would interfere with the state one, courts "look to the relief requested and the effect it would have on the state proceedings." *31 Foster Children v. Bush*, 329 F.3d 1255, 1276 (11th Cir. 2003). The plaintiff bears the burden of establishing that the state proceedings do not provide an adequate remedy for their federal claims. *Butler v. Ala. Jud. Inquiry Comm'n*, 261 F.3d 1154, 1159 (11th Cir. 2001). A federal court "should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary." *Pennzoil Co. v. Texaco, Inc.*,

481 U.S. 1, 15 (1987). Younger abstention is proper in this case because the requested injunctive relief would interfere with important state interests and Plaintiffs have not demonstrated that they lack the ability to raise their arguments in the ongoing state proceedings. Courts have long recognized that states have important interests in child welfare and child protection. See, e.g., *Santosky v. Kramer*, 455 U.S. 745, 766

(1982) (recognizing state's interest in "preserving and promoting the welfare of the child"); *Doe v. Kearney*, 329 F.3d 1286, 1293 (11th Cir. 2003) (recognizing that the state has a "profound interest in the welfare" of children (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 592 (2d Cir. 1999))). The injunctive relief sought would directly interfere with the state proceedings because Plaintiffs seek an order halting the proceedings and preventing the state court from terminating their parental rights. See *Bush*, 329 F.3d at 1276–79 (analyzing whether the requested relief sought to control or prevent the occurrence of specific events that might take place in the ongoing state proceedings). Moreover, Plaintiffs have not shown that they lack an adequate opportunity to raise their federal claims in state court. Plaintiffs argue that federal relief is warranted because Defendants plan to introduce inaccurate, inconsistent, and misleading evidence at the termination trial that is inconsistent with physical evidence and witness testimony. But they have not demonstrated that they cannot adequately raise these concerns in state court. Alabama law requires courts to consider the best interest of the children before granting a petition to terminate parental rights. Ala. Code § 12-15-319. Among the nonexclusive factors are whether a parent has abused or otherwise maltreated the children and whether a parent has been convicted of and imprisoned for a felony. See Ala. Code § 12-15-319(a)(3)–(4). Thus, Plaintiffs may present evidence of their acquittal of child abuse charges as well as any other evidence to dispute Defendants' evidence. Accordingly, Plaintiffs' claims for injunctive relief are due to be dismissed. Moreover, Plaintiffs' claims for damages are also due to be dismissed. Although not yet decided by the Supreme Court, the Eleventh Circuit has indicated that Younger abstention extends to cases involving § 1983 claims for monetary damages where the ongoing state proceeding implicates an important state interest, the state proceeding will provide an adequate remedy for the federal claims, and the federal proceeding would interfere with the underlying state case. See *Doby v. Strength*, 758 F.2d 1405, 1406 (11th Cir. 1985); *Prather v. Norman*, 901 F.2d 915, 919 (11th Cir. 1990) (citing *Deakins v. Monaghan*, 484 U.S. 193, 202 (1988) (reserving the issue as to whether Younger applies to § 1983 damages actions)) (requiring abstention pursuant to Younger where plaintiff raised Fourth Amendment § 1983 damages claims related to ongoing state criminal proceedings); *Stoddard v. Fla. Bd. of Bar Exam'rs*, 509 F. Supp. 2d 1117 (N.D. Fla. 2006), *aff'd*, 229 F. App'x 911 (11th Cir. 2007). Here, as discussed above, Plaintiffs have not demonstrated that the state court cannot address the alleged constitutional violations that form the basis of their damage claims. And any adjudication of the constitutional adequacy of the process provided to Plaintiffs in the ongoing termination proceedings would unduly interfere with the state court's resolution of the underlying matter. See *Jones v. Takaki*, No. 92 C 7076, 1993 WL 41420, at \*3

(N.D. Ill. Feb. 18, 1993) (“Most significantly, given the doctrine of res judicata, the basic policy against federal interference with pending state criminal prosecutions generally will be frustrated as much by a damages award as it would be by either declaratory relief or an injunction.”). Accordingly, Plaintiffs’ remaining claims for damages are due to be dismissed<sup>3</sup> without prejudice.<sup>4</sup> See *Boyd v. Georgia*, 512 F. App’x 915, 918 (11th Cir. 2013) (affirming district court’s dismissal of § 1983 damages claim on Younger abstention grounds); *Jones*, 1993 WL 41420, at \*3 (dismissing § 1983 claim under 3 Although the Supreme Court advised in *Quackenbush* that federal courts abstaining from deciding a § 1983 damages claim under Younger should ordinarily stay rather than dismiss the action, the Court declines to issue a stay because Plaintiffs seek primarily equitable relief and their claims arise under federal question jurisdiction, not diversity jurisdiction as was the case in *Quackenbush*. See *Ford v. Tait*, 163 F. Supp. 2d 57, 67 (D.D.C. 2001) (dismissing § 1983 damages claim under Younger because claim arose under federal question jurisdiction and plaintiff primarily sought equitable relief); *Stein v. Legal Advert. Comm. of Discipline Bd.*, 272 F. Supp. 2d 1260, 1275 (D.N.M. 2003) (same); *Discovery House, Inc. v. Consol. City of Indianapolis*, 970 F. Supp. 655, 660–61 (S.D. Ind. 1997) (same); see also *Wideman v. Colorado*, 242 F. App’x 611, (10th Cir. 2007) (upholding dismissal of § 1983 damages claims over state child custody proceedings). <sup>4</sup> Since dismissal is without prejudice, Plaintiffs may refile their damage claims once the termination proceedings have concluded. The Court also notes that dismissal of this action for claimed damages arising out of an ongoing legal proceeding is appropriate on ripeness grounds because the state proceedings have not yet concluded. See *McKinney v. Pate*, 20 F.3d 1550, 1560 (11th Cir. 1994) (holding that “no procedural due process right has been violated unless and until the state fails to remedy” the alleged inadequacy in the process provided); *Stubbs v. City of Ctr. Point*, 988 F. Supp. 2d 1270, 1280 (N.D. Ala. 2013) (dismissing § 1983 procedural due process claim on ripeness grounds due to ongoing state proceedings). Younger abstention with leave to reinstate upon conclusion of the underlying state criminal proceeding). C. Shotgun Complaint Although not addressed by the Magistrate Judge, the Complaint is also due to be dismissed because it is a classic shotgun pleading. “The unifying characteristic of all types of shotgun pleadings is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” *Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015). The Eleventh Circuit has identified four characteristics of classic shotgun pleadings. These are pleadings that:

(1) contain multiple counts where each adopts the allegations of all preceding counts; (2) are filled with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action; (3) do not separate each cause of action or claim into separate counts; or (4) assert multiple claims against multiple defendants but do not specify which defendant is responsible for which acts or omissions. *Brown v. Air Line Pilots Ass’n*, 813 F. App’x 353, 355 (11th Cir. 2020) (cleaned up). Here, the Complaint exhibits at least two characteristics of

shotgun pleadings. First, each count contains conclusory assertions without stating the factual basis for the alleged constitutional violation. For example, the entirety of Count II summarily states that “Defendants deprived Plaintiffs of constitutionally required notice, fair hearings, accurate evidence, and opportunities for reunification.” (Doc. 1 at 2.) Count III states that “Defendants interfered with Plaintiffs’ fundamental right to family integrity without compelling justification.” (Id.) Rule 8(a) requires more than these broad and conclusory statements unconnected to any concrete facts. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“[A] complaint [does not] suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007))). Second, the Complaint does not specify which of the Defendants are responsible for which actions—it broadly alleges that all of the “Defendants” undertook identical acts or omissions. This, too, is insufficient to provide Defendants with notice of the factual basis for the claims against them. See, e.g., *Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001) (“The complaint is replete with allegations that ‘the defendants’ engaged in certain conduct, making no distinction among the fourteen defendants charged, though geographic and temporal realities make plain that all of the defendants could not have participated in every act complained of.”); *Jackson v. Bank of Am., N.A.*, 898 F.3d 1348, 1357 (11th Cir. 2018) (holding that complaint was a shotgun pleading where it incorporated by reference all factual allegations into each claim and “ma[de] it nearly impossible for Defendants and the Court to determine with any certainty which factual allegations g[ave] rise to which claims for relief”). Therefore, the Complaint is also due to be dismissed as a shotgun complaint. Although courts “should freely give leave when justice so requires,” Fed. R. Civ. P. 15(a)(2), Plaintiffs will not be given leave to amend because any proposed amended complaint would also be subject to dismissal under *Younger* for the reasons discussed above.

## CONCLUSION

Accordingly, it is ORDERED as follows:

- (1) Plaintiffs’ Objections (doc. 18) to the Magistrate Judge’s Report and Recommendation (doc. 17) are SUSTAINED in part, and OVERRULED in part;
- (2) The Magistrate Judge’s Report and Recommendation (doc. 17) is ADOPTED in part and REJECTED in part; and
- (3) The Complaint (doc. 1) is DISMISSED without prejudice; and
- (4) The Clerk of Court is directed to close this matter.

DONE and ORDERED on this the 31st day of March 2026. R. hie JR.

CHIEF ED STATES DISTRICT JUDGE