

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JAMES RAY WOODS,)	
)	
Plaintiff,)	
)	No. 2:18-cv-02352-TLP-cgc
v.)	
)	
CHANCELLOR JOEDAE JENKINS,)	
DONNA L. RUSSELL,)	
)	
Defendants.)	

**ORDER DENYING PLAINTIFF’S APPLICATION FOR PRELIMINARY
INJUNCTION AND DISMISSING PLAINTIFF’S COMPLAINT**

On May 22, 2018, Plaintiff filed a Complaint seeking a Declaratory Judgment, Preliminary Injunction, and Temporary Restraining Order. (ECF No. 1 at PageID 19–21); (ECF No. 1-2 at PageID 35.) Eight days later, Plaintiff filed a Motion for Preliminary Injunction, or in the alternative, Declaratory Judgment. (ECF No. 16.) For the following reasons, the Court denies Plaintiff’s Motion and dismisses the Complaint without prejudice.

BACKGROUND

This action for federal relief arises out of an ongoing divorce proceeding in Tennessee state court. Plaintiff James Ray Woods’s wife (the “Wife”) filed for divorce after Plaintiff revealed that he is a transgendered individual in the process of transitioning from male to female. (ECF No. 16 at 2.)¹ This divorce proceeding is presently in Shelby County Chancery Court before Defendant Chancellor JoeDae Jenkins. (*Id.*) At some point in this proceeding, the

¹ Plaintiff’s Motion, being filed earlier in the day, has not yet been assigned PageID numbers. (ECF No. 16.) As such, the Court cites directly to the page numbers listed on the Motion itself.

Wife filed a Motion for Preliminary Injunction to prohibit Plaintiff from medically transitioning from man to woman. (*Id.* at 3.) According to Plaintiff, the Wife's Motion sought to bar Plaintiff from:

Continu[ing] any efforts towards become a female, including but not limited to, purchasing women's clothing, make-up and other women's items; having microblading, injections, and Juvederm, and other cosmetic procedures and services completed, and having an orchiectomy and any other surgical procedure related to this transition, as none of these actions serve a marital purpose and are dissipation.²

(*Id.*)

The Wife's injunction is premised on a Tennessee statute that prohibits parties from dissipating marital assets without the other party's consent. *See* Tenn. Code Ann. § 36-4-106(a)(A). According to Plaintiff's claim, if Defendant Jenkins grants the Wife's requested injunction, it will violate Plaintiff's constitutional rights under the Fourteenth Amendment's Equal Protection Clause. (ECF No. 1 at PageID 14); (ECF No. 16 at 7–8.) Specifically, Plaintiff argues that the Wife's Motion for Preliminary Injunction does not actually concern dissipation of marital assets, but instead seeks to target Plaintiff's transgendered status and stop Plaintiff's transition from male to female. (ECF No. 1 at PageID 14); (ECF No. 16 at 7–8.) Thus, because the Wife's Motion for Preliminary Injunction is allegedly premised on discrimination, granting that Motion would violate Plaintiff's constitutional rights.

DISCUSSION

Plaintiff's claim, in this action, is premised on 42 U.S.C. § 1983 and 28 U.S.C. § 1651(a). (ECF No. 16 at 2); (ECF No. 1 at PageID 1). Specifically, Plaintiff argues that the *Ex*

² The Wife also sought to hold a criminal contempt proceeding for violating a "Mandatory Mutual Injunction," which is a statutorily-mandated set of generic injunctions issued in all Tennessee divorces." (*Id.* at 3.)

Parte Young doctrine allows, and necessitates, the Court declaring the Wife’s injunction unconstitutional as-applied and directing Defendants to similarly deny the Wife’s injunction. (ECF No. 16 at 6–7); (ECF No. 1 at PageID 10–11).

Generally, judicial officials, in their official capacities, are immune from suit. *See Boler v. Earley*, 865 F.3d 391, 412 (6th Cir. 2017); *see also* U.S. CONST. amend. XI. (barring suits against States in law or equity). But, “[t]he exception set forth in *Ex Parte Young* allows plaintiffs to bring claims for prospective relief against state officials sued in their official capacity to prevent future federal constitutional or statutory violations” *Boler*, 865 F.3d at 412. “To determine if *Ex Parte Young* applies, we need only conduct a straightforward inquiry into whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.” *Id.* (quotations omitted); *see Dubuc v. Mich. Bd. of Law Exam’rs*, 342 F.3d 610, 616 (6th Cir. 2003).

Plaintiff argues that *Ex Parte Young* should guide the Court’s analysis. But, the Court instead finds *Younger v. Harris* controlling. *See Younger v. Harris*, 401 U.S. 37 (1971). “The *Younger* [doctrine] requires a federal court to abstain from granting injunctive or declaratory relief that would interfere with pending state court proceedings.” *Muhammad v. Paruk*, 553 F. Supp.2d 893, 897 (E.D. Mich. 2008). The Sixth Circuit employs a three-factor test to determine whether the *Younger* doctrine applies—(1) whether the underlying proceeding constitute an ongoing judicial proceeding; (2) whether the proceedings implicate important state interests; and (3) whether there is an adequate opportunity in the state proceedings to raise a constitutional challenge. *See Squire v. Coughlan*, 469 F.3d 551, 555 (6th Cir. 2006).

The *Younger* doctrine “espouse[s] a strong federal policy against federal court interference with pending state judicial proceedings absent extraordinary circumstances.”

Kircher v. City of Ypsilanti, 458 F. Supp.2d 439, 450 (6th. Cir. 2006).

The notion of “comity” includes “a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the State and their institutions are left free to perform their separate functions in their separate ways. Minimal respect for the state processes, of course, precludes any *presumption* that the state courts will not safeguard federal constitutional rights.

Id.

As *Younger* urges, courts must trust each other’s commitment to fairness and impartiality, resisting the urge to insert oneself into the fray. “In our litigious era, multiple lawsuits arising from the same occurrence are commonplace. *Younger* abstention is built upon common sense in the administration of a dual state-federal system of justice in such an era.” *Id.* at 450–51 (citing *Carroll v. City of Mount Clemens*, 139 F.3d 1072, 1074 (6th Cir. 1998).

The Court finds that all *Younger* factors weigh heavily in favor of abstention. Plaintiff’s divorce proceedings are ongoing. (ECF No. 16 at 2–3.) Divorce proceedings implicate important state interests. *See Mann v. Conlin*, 22 F.3d 100, 105–106 (6th Cir. 1994) (holding that domestic relations proceedings “involve a paramount state interest.”). Finally, Plaintiff fails to show that Defendant Jenkins is not in a position to properly consider Plaintiff’s constitutional arguments.

The last *Younger* factor may weigh in favor of abstention the heaviest of all. Plaintiff claims that Defendant Jenkins is imminently prepared to violate Plaintiff’s rights under the Equal Protection Clause. (ECF No. 16 at 4–5.) From where does this imminent threat arise? Apparently, it arises from Defendant Jenkins’s decision to focus his injunctive-relief analysis

solely on whether Plaintiff's medical transition violates Tennessee's prohibition on dissipating the marital estate during a divorce proceeding. (*Id.* at 4.) This is far from imminently threatening.

There are many reasons that Defendant Jenkins could exclude Plaintiff's equal-protection argument from consideration of the Wife's Motion for Preliminary Injunction—constitutional avoidance being once. Defendant's constitutional exclusion, surely, does not necessarily determine how the ongoing state-court proceedings will resolve. Defendant Jenkins may ultimately resolve the Wife's Motion without ever having to reach its constitutionality. Knowing this, how then can the Court justify inserting itself into the ongoing state controversy? Simply put, it cannot.

CONCLUSION

The Court DENIES Plaintiff's Application for a Preliminary Injunction, or in the alternative, Declaratory Judgment. Furthermore, the *Younger* doctrine "permits federal courts to withhold authorized jurisdiction in certain circumstances to avoid undue interference with state court proceedings." *Hill v. Snyder*, 878 F.3d 193, 204 (6th Cir. 2017). The Court utilizes this power and DISMISSES Plaintiff's Complaint requesting Declaratory Judgment, Temporary Restraining Order, and Preliminary Injunction WITHOUT PREJUDICE.

SO ORDERED, this 30th day of May, 2018.

s/ Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE