

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted April 15, 2025*

Decided April 16, 2025

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 23-2753

WILLIAM GARDNER,
Plaintiff-Appellant,

v.

DOMENICA STEPHENSON, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 22 C 0582

Martha M. Pacold,
Judge.

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

William Gardner, an Illinois prisoner, appeals the district court's dismissal of his civil rights action based on the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971). We affirm.

Gardner was convicted in Illinois state court of multiple offenses. While his criminal case was pending before the state appellate court, Gardner filed this lawsuit under 42 U.S.C. § 1983. He alleged that several officials and state entities violated his rights under the Due Process Clause by commencing his criminal proceeding without a proper indictment, not allowing him a trial by jury, changing the counts by judicial order after the jury verdict, and refusing to acknowledge his post-sentencing motions.

In response to Gardner's initial pleadings, the district court informed him that the proper vehicle to challenge his state criminal conviction would be a habeas corpus petition. *See* 28 U.S.C. § 2254. The court advised Gardner that he could move to withdraw his case and petition for a writ of habeas corpus, or he could amend his complaint to avoid requesting relief that falls within the scope of habeas corpus.

Gardner chose to amend his complaint. In it, he clarified that he sought not to overturn his criminal conviction, but rather to obtain a temporary restraining order and preliminary injunction to halt the continuation of his case through the state's appellate process.

The district court, acting sua sponte, dismissed Gardner's case without prejudice under *Younger*. The court explained that federal courts must abstain from deciding cases that would interfere with ongoing state proceedings, including criminal appellate proceedings. Gardner's claims, the court added, fell within the scope of *Younger* abstention, and he did not argue that extraordinary circumstances warranted an exception.

On appeal, Gardner argues that the district court wrongly denied the temporary restraining order and preliminary injunction, given that he will experience irreparable harm, is likely to succeed on the merits, and has no available state remedy for his injuries. But *Younger* abstention applies. At its core, *Younger* prevents federal courts from enjoining ongoing state criminal proceedings, absent extraordinary circumstances. *Younger*, 401 U.S. at 53–54. Gardner's claims involve constitutional issues that he can litigate in his ongoing state case, and the federal courts should not interfere with that process. Although Gardner argues that he will experience irreparable harm if his state

court proceedings are allowed to continue, he does not elaborate on the nature of the harm he alleges he will suffer. Nor can he show that his circumstances are extraordinary, as injuries incidental to criminal charges do not qualify as irreparable harm for the purpose of *Younger*. *Id.* at 46 (“[T]he cost, anxiety, and inconvenience of having to defend against a single criminal prosecution, could not by themselves be considered ‘irreparable’ in the special legal sense of that term.”).

To the extent that Gardner’s claims concern alleged constitutional violations in the state appellate process (rather than at his criminal trial), *Younger* abstention still applies. *Simpson v. Rowan*, 73 F.3d 134, 138 (7th Cir. 1995).

AFFIRMED