

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-14355
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 13, 2009 THOMAS K. KAHN CLERK
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D.C. Docket No. 08-00931-CV-T-17MSS

DERREL L. THOMAS,

Plaintiff-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
LOIS BLACK HAMILTON,
DONALD C. BARBER, JR.,
ERIN CORCORAN DALY,
RICHARD TOMBRINK, JR.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(February 13, 2009)

Before MARCUS, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Derrel L. Thomas appeals the dismissal of his complaint that his civil rights were violated in the events that led to his arrest and revocation of his probation. See 42 U.S.C. § 1983. The district court concluded that the defendants were immune from suit. Thomas argues that the defendants cannot be immune because they lacked jurisdiction to revoke his probation, but we will not consider that argument because it is raised for the first time on appeal. See Walker v. Jones, 10 F.3d 1569, 1572 (11th Cir. 1994). Even if Thomas had preserved this argument, he would not be entitled to relief because the filing of a petition for a writ of habeas corpus does not divest a state court of jurisdiction to prosecute a probation violation. See Younger v. Harris, 401 U.S. 37, 53–54, 91 S. Ct. 746, 754–55 (1971). Thomas does not otherwise argue that the district court erred by concluding that the defendants were entitled to immunity and has abandoned any argument raised in the district court. See Irwin v. Hawk, 40 F.3d 347, 347 n.1 (11th Cir. 1994).

The dismissal of Thomas's complaint is **AFFIRMED**.