[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 16-11834
Non-Argument Calendar

D.C. Docket No. 4:16-cv-00193-RH-GRJ

HENRY JAMES LAGI,

Plaintiff-Appellant,

versus

JENNIFER MORRIS,
Sheriff Deputy,
DON ODHAM,
Detective,
MIKE WOOD,
Leon County Sheriff,
DAVIS,
Leon County Jail Captain,
DAVIS,
Leon County Jail Lieutenant,
MR. BLANTON,
Sergeant, Leon County Jail,
NANCY DANIELS,
Public Defender,
WILLIAM N. MEGGS,
State Attorney Second Judicial Circuit,
CITY OF TALLAHASSEE,

Defendants-Appellees.

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

(January 31, 2017)

Before WILSON, JORDAN and ROSENBAUM, Circuit Judges.

PER CURIAM:

Henry J. Lagi, a Florida detainee proceeding pro se and in forma pauperis, appeals the dismissal of his 42 U.S.C. § 1983 action for violations of the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. The district court dismissed Lagi's claims pursuant to the *Younger* abstention doctrine[1] and for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2). On appeal, Lagi argues that his complaint does allege a claim upon which relief can be granted and that the circumstances surrounding the complaint qualify for an exception to the *Younger* abstention doctrine. Upon careful review, we affirm.

I.

We review for abuse of discretion a district court's decision to abstain from a matter on *Younger* grounds. *31 Foster Children v. Bush*, 329 F.3d 1255, 1274

[1] *Younger v. Harris*, 401 U.S. 37, 91 S. Ct. 746 (1971).

(11th Cir. 2003). Under the *Younger* abstention doctrine, to respect federal-state comity, a federal court should only exercise jurisdiction over ongoing state court proceedings in limited circumstances. *Younger*, 401 U.S. at 41–43, 91 S. Ct. at 749–50. A district court may abstain when its exercise of jurisdiction would interfere with ongoing state proceedings, the proceedings implicate an important state interest, and the proceedings provide an adequate opportunity for a party to raise constitutional challenges. *See 31 Foster Children*, 329 F.3d at 1274. The *Younger* abstention doctrine, however, is not applied if (1) there is evidence that the state proceedings were motivated by bad faith or harassment, (2) abstention would cause irreparable injury, or (3) there is no adequate alternative state forum where the plaintiff can raise the constitutional issues. *See Younger*, 401 U.S. at 45, 53–54, 91 S. Ct. at 751, 754–55; *Hughes v. Att'y Gen. of Florida*, 377 F.3d 1258, 1263 n.6 (11th Cir. 2004).

The district court did not err in dismissing Lagi's complaint on *Younger* abstention grounds. Lagi does not argue that *Younger* is prima facie inapplicable, but argues only that the three exceptions to *Younger* apply in his case. But Lagi supports his arguments with only vague assertions regarding personal agendas, injustice, and general corruption in the local, state, and national justice systems. Such bare assertions fail to illustrate that the exceptions are implicated. Accordingly, the district court properly concluded that this case does not fall

within any *Younger* exception and dismissed Lagi's complaint. *Younger*, 401 U.S. at 45, 53–54.

II.

We review de novo a district court's dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). *Hughes v. Lott*, 350 F.3d 1157, 1159–60 (11th Cir. 2003). A district court shall at any time dismiss a case proceeding in forma pauperis if it determines that the action fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). We employ the same standard in analyzing a dismissal under § 1915(e)(2)(B)(ii) as we do in analyzing Federal Rule of Civil Procedure 12(b)(6) dismissals. *See Farese v. Scherer*, 342 F.3d 1223, 1230 (11th Cir. 2003) (per curiam). To survive a 12(b)(6) motion to dismiss, "a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009) (internal quotation marks omitted). A claim is facially plausible when its "factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* While pro se complaints should be liberally construed, they still must allege factual allegations that "raise a right to relief above the speculative level." *See Saunders v. Duke*, 766 F.3d 1262, 1266 (11th Cir. 2014) (internal quotation marks omitted).

The district court did not err in dismissing for failure to state a claim Lagi's claims against the prosecutor, William Meggs, and the public defender, Nancy Daniels, because Meggs was immune from damages and Lagi's § 1983 complaint is not cognizable against Daniels acting in her capacity as a defense attorney. *See Van de Kamp v. Goldstein*, 555 U.S. 335, 341–42, 129 S. Ct. 855, 860 (2009) (holding that state prosecutors are entitled to absolute immunity for their official actions); *Wahl v. McIver*, 773 F.2d 1169, 1173 (11th Cir. 1985) (per curiam) (noting that public defenders, in representing their clients, do not act under color of state law). Accordingly, in addition to properly dismissing Lagi's claims under the *Younger* abstention doctrine, the district court properly dismissed Lagi's claims against Meggs and Daniels under 28 U.S.C. § 1915(e)(2)(B)(ii).

AFFIRMED.