

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11107
Non-Argument Calendar

BRIAN C. CHUBBOY,

Plaintiff-Appellant,

versus

NONA C. CHUBBOY,

MELISSA F. WILLIAMS,

JUDGE PAMELA CAMPBELL,

Sixth Judicial Circuit,

CHIEF JUDGE SHAWN CRANE,

Sixth Judicial Circuit,

CHIEF JUDGE DANIEL H. SLEET,

Second District Court of Appeal, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:25-cv-00586-TPB-LSG

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

A Florida state court enjoined Brian Chubboy from exploiting a vulnerable adult—his mother. In response, Chubboy sued his family, their attorney, and several state court judges in federal district court to enjoin the state court injunction. The district court dismissed the federal complaint and Chubboy appeals. We affirm but remand for the district court to correct a small error in the dismissal order.

FACTUAL BACKGROUND

After his elderly mother had a stroke in January 2022, Chubboy moved to Florida to live with and care for her. His mother gave him a durable power of attorney so he could manage her affairs.

A few months later, Chubboy’s mother accused him of using his position of trust to steal from her while neglecting her medical needs. She filed suit in a Florida circuit court seeking an injunction “for protection against exploitation of a vulnerable adult.” *See* Fla. Stat. § 825.1035(1). The circuit court entered a temporary injunction and scheduled a hearing to consider whether to enter a permanent injunction. Chubboy appeared briefly at the hearing to argue

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he didn't have sufficient notice of the temporary injunction or the hearing, but he left mid-hearing because he "d[id]n't wish to participate" in the "violation of due process."

The circuit court entered a permanent injunction awarding Chubboy's mother exclusive possession of her home, prohibiting Chubboy from contacting her, revoking his durable power of attorney, and ordering him to repay \$310,726.95. Chubboy appealed the injunction to a Florida district court of appeal, which affirmed per curiam with no opinion. A few weeks later, Chubboy's mother moved the circuit court to hold Chubboy in contempt for not complying with the injunction.

PROCEDURAL HISTORY

While the contempt proceedings were pending, Chubboy filed a pro se complaint in federal district court under 42 U.S.C. sections 1983 and 1985 seeking an injunction "against the use" of the Florida injunction to "ceas[e] [his property]," "hold[] new hearings [or] new legal actions," or to "incarcerat[e]" him. He named as defendants his mother, her attorney, two of her other children, the circuit court judge who entered the injunction, the circuit court chief judge, the three district court of appeal judges who affirmed the injunction, and the district court of appeal chief judge.

The federal district court considered the complaint sua sponte. It concluded that the judicial defendants were "entitled to absolute judicial immunity" because Chubboy's "allegations emanate[d] from actions" they took "in their official judicial capacities

during proceedings over which they had jurisdiction.” It also dismissed Chubboy’s claims against the private defendants for three reasons.

First, Chubboy sought “to stay a state court injunction entered against him,” which was not allowed under the Anti-Injunction Act. *See* 28 U.S.C. § 2283. Second, because Chubboy’s complaint “[took] issue with state court rulings, orders, and injunctions,” it was “barred by the *Rooker-Feldman* doctrine.” *See Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). And third, the district court abstained under *Younger v. Harris*, 401 U.S. 37 (1971), in favor of “the state court proceedings referenced in the complaint.” The district court dismissed the complaint with prejudice.

Chubboy appeals the dismissal.¹

STANDARD OF REVIEW

We review de novo “[w]hether an official is entitled to absolute immunity.” *Stevens v. Osuna*, 877 F.3d 1293, 1301 (11th Cir. 2017) (citing *Mikko v. City of Atlanta*, 857 F.3d 1136, 1142 (11th Cir. 2017)). And we review for abuse of discretion “a district court’s determination to abstain from exercising jurisdiction.” *Johnson v. Florida*, 32 F.4th 1092, 1095 (11th Cir. 2022) (citing *Wexler v. Lepore*, 385 F.3d 1336, 1338 (11th Cir. 2004)).

¹ We GRANT Chubboy’s motion to amend his brief. We’ve considered the amended brief in deciding this appeal.

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DISCUSSION

We'll first discuss the dismissal of Chubboy's claims against the judicial defendants. Then, we'll turn to the dismissal of his claims against the private defendants.

The judicial defendants

Chubboy argues that the Florida judges were not entitled to judicial immunity. We disagree.

Judicial officers have absolute immunity for any "acts taken while they are acting in their judicial capacity unless they acted in the clear absence of all jurisdiction." *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (citation modified). That is so even when the judge errs, acts maliciously, or exceeds his jurisdiction. *Id.* To determine whether a judge was acting in his judicial capacity, we consider whether the judge was performing "a normal judicial function," whether the acts "occurred in the judge's chambers or in open court," whether "the controversy involved a case pending before the judge," and whether it "arose immediately out of a visit to the judge in his judicial capacity." *Sibley v. Lando*, 437 F.3d 1067, 1071 (11th Cir. 2005) (citing *Scott v. Hayes*, 719 F.2d 1562, 1565 (11th Cir. 1983)).

Here, the judicial defendants were immune because they were judges acting in their judicial capacity. The complaint named as defendants the Florida circuit court judge who entered the injunction, the chief judge of the circuit, the three Florida appellate judges who affirmed the injunction on appeal, and the chief judge

of the appellate court.² He alleged that the circuit judges entered the injunction without giving him sufficient notice or time to defend. And he alleged that the appellate judges perpetuated a fraud by denying his motion to supplement the record and affirming the injunction per curiam with no opinion, which deprived Chubboy of the chance to appeal to the Florida Supreme Court. Thus, Chubboy's claims arose out of the judges performing normal judicial functions, in court, in cases that were properly before them. *See id.*

Nor did any of the judges act "in the clear absence of all jurisdiction." *See Bolin*, 225 F.3d at 1239 (citation modified). Florida law authorizes circuit courts to "issue injunctions." *See Fla. Stat. § 26.012(3)*. And Florida district courts of appeal have jurisdiction to review the final orders of circuit courts. *See Fla. R. App. P. 9.030(b)(1)(A)*. On appeal, Chubboy argues that the circuit judge lacked jurisdiction over his "Minnesota [p]ower of [a]ttorney and matters involving [his] Minnesota real estate transactions, financing, and payments." But, even assuming he's right, he doesn't establish that the circuit judge purported to exercise such jurisdiction when entering the injunction. The only power of attorney the circuit court's injunction addressed was signed on November 30, 2024, in Florida, under Florida law. And the circuit judge was clear that the injunction was "valid and enforceable in all counties of

² Chubboy apparently considers the chief judges, as well as the ruling judges, responsible for entering the injunction and affirming it. To the extent any actions by the chief judges are relevant to the subject matter of Chubboy's complaint, those actions would also have been in their judicial capacities.

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Florida.” Chubboy hasn’t shown that the circuit judge acted “in the clear absence of all jurisdiction” by enjoining him from exploiting his mother. *See Bolin*, 225 F.3d at 1239 (citation modified). Nor has he shown—or even argued—that the judges who affirmed the injunction lacked jurisdiction to do so. Thus, the district court correctly concluded that the judicial defendants were immune from Chubboy’s suit for injunctive relief.

The private defendants

Chubboy argues that none of the three reasons the district court gave—the Anti-Injunction Act, *Rooker-Feldman*, or *Younger* abstention—was a sufficient basis to dismiss his claims against the private defendants. Because we conclude that the district court didn’t abuse its discretion by abstaining under *Younger*, we need not decide whether dismissal was appropriate under the *Rooker-Feldman* doctrine or the Anti-Injunction Act. *See Kimberly Regenesis, LLC v. Lee Cnty.*, 64 F.4th 1253, 1258 (11th Cir. 2023) (observing that, where an appeal raises several “jurisdictional—and other threshold—questions, we have the option of choosing which path to go down”); *Sinochem Int’l Co. v. Malaysia Int’l Shipping Corp.*, 549 U.S. 422, 431 (2007) (explaining that a court need not decide its jurisdiction under Article III before abstaining under *Younger*).

Younger abstention is appropriate when there is an “ongoing state judicial proceeding” that “implicate[s] important state interests” and presents an “adequate opportunity . . . to raise constitutional challenges.” 31 *Foster Child. v. Bush*, 329 F.3d 1255, 1274 (11th

Cir. 2003) (citation modified). We agree with the district court that all three elements were met here.

First, Chubboy's complaint asked the district court to enjoin an ongoing state judicial proceeding. He explained that his mother had moved to hold him in contempt for violating the Florida circuit court's injunction. As a result, he sought to enjoin his mother, her attorney, two other family members, and six Florida judges from using the permanent injunction as a basis "for any action," including taking his property and incarcerating him. And the enforcement proceeding was still ongoing on March 18, 2025, when the district court abstained under *Younger*.

Second, the state proceeding implicated important state interests. Contempt proceedings are sufficiently important to justify *Younger* abstention. See *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 13 (1987). That's because such proceedings "stand[] in aid of the authority of the judicial system, so that its orders and judgments are not rendered nugatory." *Id.* (quoting *Juidice v. Vail*, 430 U.S. 327, 336 n.12 (1977)).

Finally, Chubboy had the burden to establish "that the state proceedings d[id] not provide an adequate remedy for his federal claims." See *31 Foster Child.*, 329 F.3d at 1279 (citing *Butler v. Ala. Judicial Inquiry Comm'n*, 261 F.3d 1154, 1159 (11th Cir. 2001)). He failed to do so. And we "assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary." *Id.* (quoting *Pennzoil*, 481 U.S. at 15).

Chubboy counters that *Younger* abstention was improper because the district court “provide[d] no evidence of any ongoing state court proceeding . . . because there [was] none.” But the district court was clear that it was abstaining in favor of the “state court proceedings referenced in the complaint.” And Chubboy’s complaint was aimed at enjoining the state court enforcement proceedings, which were ongoing at the time. Not only did his complaint reference those proceedings, the relief he requested clearly implicated them too. He sought an order enjoining “the use” of the Florida court’s injunction “for any action” against him. Granting that relief would have interfered with an ongoing state judicial proceeding.

We thus affirm the district court’s dismissal of the complaint. However, when a district court is without “power to render a judgment on the merits,” any dismissal should be without prejudice. *See Stalley ex rel. U.S. v. Orlando Reg’l Healthcare Sys., Inc.*, 524 F.3d 1229, 1235 (11th Cir. 2008). So, we remand for the court to correct the judgment to dismiss Chubboy’s claims against the private defendants without prejudice.³

³ *See also Aaron v. O’Connor*, 914 F.3d 1010, 1021 (6th Cir. 2019) (“A dismissal with prejudice ordinarily operates as an adjudication on the merits, which is inconsistent with the court’s *Younger*-based decision to abstain from hearing the case at all.” (citation modified)); *Caldwell v. Camp*, 594 F.2d 705, 708 (8th Cir. 1979) (modifying with-prejudice dismissal under *Younger* to one without prejudice because “[a] dismissal with prejudice ordinarily operates as an adjudication on the merits,” a result “incompatible with the purposes of the [*Younger*] abstention doctrine”); *Maymo-Melendez v. Alvarez-Ramirez*, 364 F.3d 27, 32 n.4 (1st Cir. 2004) (explaining that “a dismissal on *Younger* grounds is

CONCLUSION

We affirm the dismissal of Chubboy’s complaint. But we remand for the district court to correct the dismissal so it is without prejudice as to the private defendants.

AFFIRMED AND REMANDED.

without prejudice”); *Morrow v. Winslow*, 94 F.3d 1386, 1398 (10th Cir. 1996) (remanding to district court with instructions “to abstain [under *Younger*] and to dismiss [the] case without prejudice”).