

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-13284  
Non-Argument Calendar

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KEVIN B. GLASCO,

*Plaintiff-Appellant,*

*versus*

ALABAMA DEPARTMENT OF HUMAN RESOURCES,  
JEFFERSON COUNTY FAMILY COURT,

*Defendants-Appellees.*

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Appeal from the United States District Court  
for the Northern District of Alabama  
D.C. Docket No. 2:25-cv-01314-RDP

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Before JORDAN, KIDD, and ANDERSON, Circuit Judges.

PER CURIAM:

Kevin Glasco, proceeding pro se, appeals the district court's sua sponte dismissal of his amended complaint against the Alabama

Department of Human Resources and the Jefferson County Family Court, alleging violations of Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, et seq, and his civil rights in connection with child-support proceedings in Jefferson County Family Court and the collection of his payments owed pursuant to that judgment. On appeal, Glasco first argues that the district court erred in dismissing his amended complaint without adjudicating his ADA claim. Second, Glasco argues that the district erred in failing to address the merits of his civil rights claims. Lastly, Glasco argues that the district court abused its discretion by failing to rule on his emergency motion for injunctive relief and motion to seal.<sup>1</sup>

## I. DISCUSSION

### A. Title II of the ADA

When a plaintiff proceeds in forma pauperis, a “court shall dismiss the case at any time” if it determines that the action (1) “is frivolous or malicious”; (2) “fails to state a claim on which relief may be granted”; or (3) “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). We review a *sua sponte* dismissal for failure to state a claim *de novo*. *Henley v. Payne*, 945 F.3d 1320, 1331 (11th Cir. 2019). In review, we use the same standards that apply to a dismissal under

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<sup>1</sup> Glasco’s motion for an injunction pending appeal under Fed. R. App. P. 8(a)(2), or, in the alternative, for a limited remand, and to expedite consideration is DENIED.

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Fed. R. Civ. P. 12(b)(6). *Id.* We “may affirm the district court’s ruling on any ground supported by the record.” *Haynes v. McCalla Raymer, LLC*, 793 F.3d 1246, 1249 (11th Cir. 2015).

To prevent dismissal under Rule 12(b)(6), the plaintiff must allege sufficient facts to state a claim for relief that is “plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). We take the factual allegations in the complaint as true and construe the facts in the light most favorable to the plaintiff. *Edwards v. Prime, Inc.*, 602 F.3d 1276, 1291 (11th Cir. 2010).

When “a more carefully drafted complaint might state a claim, a [pro se] plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.” *Woldeab v. Dekalb Cnty. Bd. of Educ.*, 885 F.3d 1289, 1291 (11th Cir. 2018). However, a court need not grant leave to amend when the plaintiff is clear that they do not want to amend or when a more carefully drafted complaint still would not state a claim. *Id.*

The Eleventh Amendment provides that the “Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any

Foreign State.” U.S. Const. amend. XI. “Eleventh Amendment immunity bars suits by private individuals in federal court against a state unless the state has consented to be sued or has waived its immunity or Congress has abrogated the states’ immunity.” *Nichols v. Ala. State Bar*, 815 F.3d 726, 731 (11th Cir. 2016). Eleventh Amendment immunity extends to defendants acting as an “arm of the State,” including “agents and instrumentalities of the States.” *Manders v. Lee*, 338 F.3d 1304, 1308 (11th Cir. 2003) (en banc). “Congress can abrogate the states’ sovereign immunity if it unequivocally intends to do so and acts pursuant to a valid grant of constitutional authority.” *Black v. Wigington*, 811 F.3d 1259, 1269 (11th Cir. 2016) (quotation marks omitted, alterations adopted).

Congress expressed its intent to abrogate state sovereign immunity for Title II ADA claims insofar as the alleged conduct violates the Fourteenth Amendment. *Tennessee v. Lane*, 541 U.S. 509, 531 (2004); *United States v. Georgia*, 546 U.S. 151, 159 (2006) (same). Whether Congress effectuated its intent to abrogate sovereign immunity for Title II claims is subject to a further test, to be analyzed on a claim by claim basis, asking:

- (1) which aspects of the State’s alleged conduct violated Title II; (2) to what extent such misconduct also violated the Fourteenth Amendment; and (3) insofar as such misconduct violated Title II but did not violate the Fourteenth Amendment, whether Congress’s purported abrogation of sovereign immunity as to that class of conduct is nevertheless valid.

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*Georgia*, 546 U.S. at 159; *see also Miller v. King*, 449 F.3d 1149, 1150-51 (11th Cir. 2006) (noting the importance for lower courts to apply the test on a claim-by-claim basis). The Supreme Court has specifically held that “Title II, as it applies to the class of cases implicating the fundamental right of access to the courts, constitutes a valid exercise of Congress’[s] . . . authority to enforce the guarantees of the Fourteenth Amendment,” such that states’ sovereign immunity is validly abrogated. *Tennessee*, 541 U.S. at 533-34.

Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to the discrimination by any such entity.” 42 U.S.C. § 12132. A “qualified individual with a disability” is “an individual with a disability who, with or without reasonable modifications . . . or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.” *Id.* § 12131(2). A “public entity” includes “any department, agency, special purpose district, or other instrumentality of a State or States or local government.” *Id.* § 12131(1)(B). We have held that county courts are public entities and that proceedings at county courthouses are services, programs, or activities within the meaning of Title II of the ADA. *Shotz v. Cates*, 256 F.3d 1077, 1079-80 (11th Cir. 2001). To state a Title II discrimination claim, a plaintiff must allege:

(1) that he is a qualified individual with a disability; (2) that he was either excluded from participation in or denied the benefits of a public entity's services, programs, or activities, or was otherwise discriminated against by the public entity; and (3) that the exclusion, denial of benefit, or discrimination was by reason of [his] disability.

*Ingram v. Kubik*, 30 F.4th 1241, 1256 57 (11th Cir. 2022) (alteration in original).

To recover damages, the plaintiff must also show intentional discrimination, which requires a showing of deliberate indifference. *Silberman v. Miami Dade Transit*, 927 F.3d 1123, 1134 (11th Cir. 2019). Deliberate indifference requires showing the defendant knew that harm to a federally protected right was substantially likely and failed to act on that likelihood. *Liese v. Indian River Cnty. Hosp. Dist.*, 701 F.3d 334, 344 (11th Cir. 2012).

Pro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will be liberally construed. *Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014). Nevertheless, pro se litigants are required to comply with applicable procedural rules. *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007). Further, "issues not briefed on appeal by a pro se litigant are deemed abandoned." *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) (font altered). An appellant "fails to adequately brief a claim when he does not plainly and prominently raise it." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th

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Cir. 2014) (quotation marks omitted). “[A]n appellant abandons a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority.” *Id.*

Here, Glasco abandoned any ADA claims or arguments against the unnamed individual Alabama Department of Human Resources employees because he did not mention those defendants in his initial brief on appeal. Glasco has also abandoned any ADA claims against the Alabama Department of Human Resources. We doubt his sparse allegation stated an ADA claim against the Department, but even if it did, the claim was not fairly raised in his initial brief on appeal.

Turning to Glasco’s claim that the Jefferson County Family Court violated the ADA, Glasco is incorrect that the district court failed to address this claim. The district court did address the claim and rejected it on the merits, holding that Glasco’s amended complaint had not sufficiently stated a claim upon which relief can be granted. We have serious doubts that the district court adequately construed the facts alleged in the light most favorable to Glasco;<sup>2</sup> however, we need not so hold because we conclude that Glasco does not have standing to pursue injunctive relief—the only remedy he seeks. We have a *sua sponte* obligation to examine our own

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<sup>2</sup> Glasco’s amended complaint alleged, *inter alia*: “The Jefferson County Family Court failed to provide reasonable accommodations for Plaintiff’s disability, including remote hearing access, procedural guidance, and flexibility for physical limitations . . . in violation of Title II of the ADA.” Doc. 9 at 2.

jurisdiction. *United States v. Harris*, 989 F.3d 908, 910 (11th Cir. 2021). Standing is a jurisdiction requirement that is open to review at any stage of the litigation. *Nat’l Org. for Women, Inc. v. Scheidler*, 510 U.S. 249, 255 (1994). “In ADA cases, courts have held that a plaintiff lacks standing to seek injunctive relief unless he alleges facts giving rise to an inference that he will suffer future discrimination by the defendant.” *Shotz*, 256 F.3d at 1081. To have standing, a plaintiff must show that they (1) suffered an injury in fact, (2) that is causally connected to the defendant’s allegedly unlawful action, and (3) will be redressed by a favorable decision. *Houston v. Marod Supermarkets, Inc.*, 733 F.3d 1323, 1328 (11th Cir. 2013). With respect to the injury in fact prong, a plaintiff seeking injunctive relief must show that, in addition to suffering a past injury, there is “a sufficient likelihood that he will be affected by the allegedly unlawful conduct in the future.” *Id.* To make this showing, the plaintiff must establish that the threat of future injury is “real and immediate—as opposed to merely conjectural or hypothetical.” *Id.* at 1329. When a plaintiff lacks standing to bring a claim, the district court must dismiss the claim without prejudice. *Wiand v. ATC Brokers Ltd.*, 96 F.4th 1303, 1311 (11th Cir. 2024).

Glasco’s amended complaint indicates that the hearing to which the Jefferson County Family Court allegedly denied him access has already occurred. Glasco’s amended complaint failed to allege facts giving rise to an inference that he would suffer future discrimination by the Jefferson County Family Court. Accordingly, we conclude that Glasco’s amended complaint does not sufficiently allege standing with respect to his ADA claim.

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The district court should have dismissed this claim without prejudice, rather than with prejudice. Accordingly, we vacate the district court's order to the extent that it dismissed Glasco's complaint with prejudice, and remand with instructions to dismiss this claim without prejudice.

*B. Due Process, Unlawful Enforcement, and Equal Protection Claims*

We review de novo the application of the *Rooker-Feldman* doctrine. *Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1069 (11th Cir. 2013). Where jurisdiction is not precluded by the *Rooker-Feldman* doctrine, cases “can and should be addressed by other preclusion or abstention doctrines.” *Behr v. Campbell*, 8 F.4th 1206, 1212 (11th Cir. 2021). “A dismissal for lack of subject matter jurisdiction is not a judgment on the merits and is entered without prejudice.” *Stalley ex rel. U.S. v. Orlando Reg'l Healthcare Sys., Inc.*, 524 F.3d 1229, 1232 (11th Cir. 2008). When the district court improperly dismisses with prejudice a claim for lack of jurisdiction, we will vacate and remand for entry of a dismissal without prejudice. *Gardner v. Mutz*, 962 F.3d 1329, 1344 (11th Cir. 2020). We review a district court's decision to abstain for an abuse of discretion, and “it is always an abuse of discretion for a court to apply an incorrect legal standard.” *Leonard v. Ala. State. Bd. of Pharmacy*, 61 F.4th 902, 907 (11th Cir. 2023).

The *Rooker-Feldman* doctrine precludes a district court from exercising subject matter jurisdiction over a claim where a “losing

party in state court file[s] suit in federal court after the state proceeding ended, complaining of an injury caused by the state court judgment and seeking review and rejection of that judgment.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005). The doctrine “bars all appeals of state court judgments—whether the plaintiff admits to filing a direct appeal of the judgment or tries to call the appeal something else.” *Behr*, 8 F.4th at 1211. The injury to the plaintiff must be caused by the judgment itself. *Id.* at 1212. This doctrine occupies “narrow ground,” and “district courts do not lose subject matter jurisdiction over a claim simply because a party attempts to litigate in federal court a matter previously litigated in state court.” *Id.* at 1209-10 (quotation marks omitted).

*Rooker-Feldman* is distinct from the doctrine of claim preclusion. *Id.* at 1210. “If a federal plaintiff presents some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party, then there is jurisdiction.” *Exxon Mobil Corp.*, 544 U.S. at 293 (quotation marks and ellipses omitted, alterations adopted). As such, when applying *Rooker-Feldman*, a claim-by-claim approach is required. *Behr*, 8 F.4th at 1213. When assessing whether a complaint is barred by *Rooker-Feldman*, “[t]he question isn’t whether the whole complaint seems to challenge a previous state court judgment, but whether resolution of each individual claim requires review and rejection of a state court judgment.” *Id.*

We have emphasized that a plaintiff’s “claim for relief does matter,” clarifying that “claims that seek only damages for constitutional violations of third parties—not relief from the judgment of the state court—are permitted,” while claims that directly seek relief from the state court’s judgment are not. *Id.* at 1214. However, “the claim for relief, alone, is not determinative: the question is still whether the substance—if not the form—of a plaintiff’s claim requires a district court to review and reject a state court judgment.” *Efron v. Candelario*, 110 F.4th 1229, 1238 (11th Cir. 2024) (quotation marks and citation omitted).

“Under *Younger v. Harris* and its progeny, federal district courts must refrain from enjoining pending state court proceedings except under special circumstances.” *Old Republic Union Ins. Co. v. Tillis Trucking Co.*, 124 F.3d 1258, 1261 (11th Cir. 1997). “While the federal courts have a virtually unflagging obligation to hear the cases before them, the *Younger* doctrine presents a narrow exception.” *Leonard*, 61 F.4th at 907 (quotation marks omitted). Further, although “only the clearest of justifications merits abstention,” when *Younger*’s prerequisites are satisfied, “federal courts may and should withhold equitable relief to avoid interference with state proceedings.” *Id.* (citations omitted).

The *Younger* abstention applies to claims for injunctive relief, as well as claims for declaratory judgment that would effectively enjoin state proceedings. *Old Republic Union Ins.*, 124 F.3d at 1261, 1263–64. When determining whether the *Younger* abstention is warranted, courts consider “whether: (1) there is an ‘ongoing’ state-

court proceeding at the time of the federal action; (2) the state proceeding implicates an important state interest; and (3) the state proceeding affords the federal plaintiff an adequate opportunity for judicial review of his or her federal constitutional claims.” *Tokyo Gwinnett, LLC v. Gwinnett Cnty.*, 940 F.3d 1254, 1268 (11th Cir. 2019) (quoting *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982)). The first factor is met when a state proceeding is ongoing, and the relief sought by the plaintiff would interfere with the state proceeding. *31 Foster Children v. Bush*, 329 F.3d 1255, 1275 76 (11th Cir. 2003). As to the second factor, the Supreme Court has repeatedly recognized that states “have important interests in administering certain aspects of their judicial systems.” *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 12 13 (1987). Further, “[f]amily relations are a traditional area of state concern” and are historically considered important state issues left to the discretion of state courts. *Moore v. Sims*, 442 U.S. 415, 435 (1979). As to the third factor, the plaintiff bears the burden of demonstrating that a state forum is not adequate to adjudicate their federal claims. *Leonard*, 61 F.4th at 908. Moreover, the Supreme Court has held that “a federal court should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary.” *Pennzoil Co.*, 481 U.S. at 15. This Court has explained that “a federal court should refuse to abstain if: (1) there is evidence the state proceedings are motivated by bad faith, (2) irreparable injury would occur, or (3) there is no adequate alternative state forum where the constitutional issues can be raised.” *Leonard*, 61 F.4th at 908 (quotation marks omitted, alterations adopted).

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The district court dismissed Glasco's due process, unlawful enforcement, and equal protection claims for three alternative reasons: the *Rooker-Feldman* doctrine, the *Younger* abstention, and the domestic relations exception.

The district court did not err "by failing to recognize" that the Alabama Department of Human Resources' and the Jefferson County Family Court's measures to enforce the collection of his child-support payments conflict with federal social security law, and did not fail to address Count IV of his amended complaint. Rather, the district court did not err in dismissing Counts II, III, and IV because considering the merits of those claims would require the district court to review and reject a state court judgment. *See, e.g., Exxon Mobil Corp.*, 544 U.S. at 291; *Behr*, 8 F.4th at 1213.

Count II of Glasco's amended complaint asserted under § 1983 that his procedural due process rights were violated when the Alabama Department of Human Resources collected his child-support by garnishing his social security income "without crediting SSA payments already issued for the same child." On appeal, Glasco clarifies that, "[b]y pursuing enforcement contrary to federal law and without crediting offsetting payments, the state created an erroneous deprivation that the district court failed to remedy." Glasco sought, among other relief, an injunction prohibiting "future garnishment of any income, including SSDI" and "compelling [the Alabama Department of Human Resources] to properly credit SSDI auxiliary benefits paid to dependent children." Glasco

does not allege or indicate that the Alabama Department of Human Resources has acted in contravention of the Jefferson County Family Court’s judgment. Rather, Glasco states that a valid state court order exists that requires him to pay child support and that the Alabama Department of Human Resources “has enforced a child support obligation without crediting the SSA derivative benefits.” As such, Glasco challenges the post judgment enforcement of a state court child support order, asking the district court to determine that the Alabama Department of Human Resources’ collection efforts failed to properly credit offsetting SSA payments and to prohibit future garnishment of any of his income, including SSDI. Like *Efron*, although Glasco asserts that he did not seek to overturn or modify the state child support order, the relief that Glasco sought amounted to a request to reject the Jefferson County Family Court’s child support calculation and judgment. The necessary and obvious import of Glasco’s allegations is that the Alabama Department of Human Resources is enforcing a state court child support order which Glasco claims violates his federal rights by failing to properly credit offsetting SSA payments. In other words, the substance of Glasco’s challenge does seek to overturn or modify the state court child support order. Glasco’s claims are not distinguishable from those held to be barred by *Rooker-Feldman* in *Efron*, 110 F.4th at 1237-38; *see id.* at 1237 (holding that *Rooker-Feldman* barred Efron’s claims based on his ex-wife’s “relentless pursuit of Efron in the courts . . . for money ostensibly owed to [her] based on [the state court’s] corruptly procured rulings.” (internal quotations and citation omitted)). With respect to Glasco’s

claims, as with those in *Efron*, “the question is . . . whether the substance—if not the form—of a plaintiff’s claim requires a district court to review and reject a state court judgment. *Id.* at 1238 (internal quotations and citation omitted).

Unlike *Behr*, Glasco claimed that his due process rights were violated during the post-judgment enforcement of a state court judgment, not during the proceedings, and the alleged injury was caused by the judgment itself. *See Behr*, 8 F.4th at 1212-13. Further, while the plaintiffs in *Behr* sought only monetary relief, Glasco sought injunctive relief, including prohibiting the Alabama Department of Human Resources from garnishing any of his income. *See id.* at 1213. Accordingly, the due process violation Glasco alleged in Claim II “boils down to a claim that the state court judgment itself caused him constitutional injury,” and thus, the claim is barred by the *Rooker-Feldman* doctrine. *See Efron*, 110 F.4th at 1237.

Count III challenged the legality of the Alabama Department of Human Resources’ enforcement methods, “including garnishments without crediting auxiliary benefits.” This claim, too, sought redress for an injury caused by the Jefferson County Family Court’s judgment itself, and sought review and rejection of that judgment. *See, e.g., Exxon Mobil Corp.*, 544 U.S. at 291; *Behr*, 8 F.4th at 1212.

Count IV asserted that Glasco’s equal protection rights were violated because defendants treated him differently than other similarly situated child-support obligors who were not disabled and did

not receive SSDI, in part because defendants “fail[ed] to apply mandatory SSA offset credits.” Unlike the discrimination claim brought in *Behr*, which sought monetary relief for alleged constitutional violations that occurred during the state process, Glasco alleged that his equal protection rights were violated during post-judgment enforcement because the Alabama Department of Human Resources and the Jefferson County Family Court did not properly consider his SSA related income when enforcing the judgment. *See Behr*, 8 F.4th at 1213. As such, Claim IV, too, complained of an injury caused by a state court judgment and sought review and rejection of that judgment. *See Exxon Mobil*, 544 U.S. at 291.

Alternatively, even if the district court’s review of Claims II, III, and IV of Glasco’s amended complaint were not precluded by the *Rooker-Feldman* doctrine—although Glasco’s amended complaint does not clearly indicate whether the Jefferson County Family Court proceedings are ongoing, to the extent the proceedings were still ongoing—the district court did not abuse its discretion in determining that *Younger* abstention was warranted to avoid interfering with state proceedings. *See, e.g., Leonard*, 61 F.4th at 907; *31 Foster Children*, 329 F.3d at 1275-76. As a state judicial proceeding concerning child support payments, the state proceeding is a traditional area of interest and concern to states. *See, e.g., Pennzoil Co.*, 481 U.S. at 12-13; *Moore*, 442 U.S. at 435. Further, nowhere in his pleadings did Glasco indicate that Alabama state procedures would not afford him an adequate remedy. *See, e.g., Pennzoil Co.*, 481 U.S. at 15; *Leonard*, 61 F.4th at 908. Additionally, no evidence in the

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record existed to indicate that the state proceedings were motivated by bad faith, that irreparable injury would occur, nor that no adequate alternative state forum existed to raise Glasco's constitutional issues. *See Leonard*, 61 F.4th at 908.

However, because *Rooker-Feldman* is a jurisdictional doctrine, the district court erred in dismissing Glasco's claims with prejudice. Accordingly, we vacate and remand with instructions that the district court dismiss Glasco's claims without prejudice.

### *C. Preliminary Injunction*

We generally review preliminary injunction rulings for abuse of discretion. *Harbourside Place, LLC v. Town of Jupiter, Fla.*, 958 F.3d 1308, 1314 (11th Cir. 2020). "Failure to consider and rule on significant pretrial motions before issuing dispositive orders can be an abuse of discretion." *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997). "A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, or makes findings of fact that are clearly erroneous." *Smith v. Miorelli*, 93 F.4th 1206, 1211-12 (11th Cir. 2024).

Here, the district court did not abuse its discretion by failing to consider or rule on pretrial motions before dismissing Glasco's case. First, the district court denied Glasco's motion for a temporary restraining order. After Glasco filed a motion for reconsideration of the district court's denial of his temporary restraining order, the district court also denied his reconsideration motion, noting that it could not discern what immediate or irreparable injury

Glasco faced that required the issuance of a temporary restraining order, and that Glasco had not demonstrated a substantial likelihood of success on the merits. Further, the record does not indicate that Glasco filed a motion to seal documents. Rather, in his amended complaint, as one of his demands for relief, Glasco requested that the court seal personally identifiable medical and financial data that he had attached to other filings. Because the district court dismissed Glasco's amended complaint with prejudice, it did not grant any of the relief that he requested in the amended complaint.

Accordingly, with respect to Glasco's last claim, we affirm.

**VACATED AND REMANDED IN PART WITH  
INSTRUCTIONS, AND AFFIRMED IN PART.**