

JUN 13 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALAN NESS; ALMA TOWNSEND;
MAURICE BASHEER; BOB TIDD;
BRIAN SEXSON; BRUCE MACBRIDE;
CAMIE MURAD; CHERYL BAILAR;
DEBRA REIN; DERRICK SANDERS;
DIANE GRUBIC; DONALD PEDEN;
DOUGLAS POWERS; EDITH
RESTAURO; ERIC CUTLER; GLORIA
MELO; GREG TOWNSEND; HAERLY
HUNTER; JEAN HUNTER; JAMES
ALAURIA; JAMES PETERSON; JOHN
BOOTH; JOHN CHARLSON; JOSEPH
CHAVOEN; KAREN NIERHAKE;
KENNETH SIMONSEN; LAURA
WALDHEIM; LYNN KIMBERLY;
MALCOLM TURNER; MARK
CHASTEEN; MARK LILLY; MELISSA
WIDLUND; MICHAEL WALDHEIM;
MICHAEL WIEDERRHOLD; PATRICK
MARTINEZ; HEATHER MARTINEZ;
RAUL PERNETT; ROBERT GRAHAM;
SCOTT J. ARMSTRONG; SONIKA
TINKER; STEPHANIE LANDEN; TIM
WIDLUND; TOM BEINAR; TRACI
GEHM; TRAVIS LEAGE; WALTER
GRUBIC; WILLIAM BARBER,

Plaintiffs - Appellants,

No. 12-16635

D.C. No. 3:12-cv-00987-CRB

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

v.

KAMALA D. HARRIS, Attorney General;
BENJAMIN G. DIEHL; JAMES TOMA;
BLITHE LEECE, THOMAS LAYTON,

Defendants - Appellees.

MITCHELL J. STEIN; MITCHELL J.
STEIN & ASSOCIATES, LLP,

Plaintiffs - Appellants,

v.

KAMALA D. HARRIS, Attorney General;
BENJAMIN G. DIEHL; JAMES TOMA;
BLITHE LEECE; THOMAS LAYTON,

Defendants - Appellees.

No. 12-16950

D.C. No. 3:12-cv-00985-CRB

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted June 11, 2013**
San Francisco, California

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: O’SCANNLAIN and HURWITZ, Circuit Judges, and PIERSOL, Senior District Judge.***

I

In No. 12-16950, Mitchell J. Stein appeals from an order dismissing his 42 U.S.C. § 1983 action on the basis of *Younger v. Harris*, 401 U.S. 37 (1971). District courts are required to abstain from jurisdiction and dismiss the suit under “*Younger* where: (1) state proceedings are ongoing [at the time the federal suit is filed]; (2) important state interests are involved; and (3) the plaintiff has an adequate opportunity to litigate federal claims in the state proceedings.” *Canatella v. California*, 304 F.3d 843, 850 (9th Cir. 2002). The underlying Attorney General’s civil enforcement action against Stein and the State Bar’s assumption proceedings satisfy these criteria. *See Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 431–35 (1982). Stein has not shown that the state actions are inadequate for him to raise any constitutional or other federal claims he may have. *See id.* at 435–36.

*** The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota, sitting by designation.

II

In No. 12-16635, Stein and some of his former clients appeal the denial of “a temporary restraining order and order to show cause regarding preliminary injunction.” Our disposition of the appeal from the final judgment of dismissal in No. 12-16950 renders the propriety of preliminary relief moot. *See Taylor v. United States*, 181 F.3d 1017, 1022 n.9 (9th Cir. 1999) (en banc); *Mt. Graham Red Squirrel v. Madigan*, 954 F.2d 1441, 1450 (9th Cir. 1992).

No. 12-16950 AFFIRMED; No. 12-16635 DISMISSED.¹

¹ All outstanding motions for judicial notice are denied as unnecessary.