

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 15 2026

FOR THE NINTH CIRCUIT

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

OCEAN S.; JACKSON K.; ROSIE S.;  
ERYKAH B.; JUNIOR R.; ONYX G.;  
MONAIE T., individually and on behalf of  
all others similarly situated,

Plaintiffs - Appellees,

v.

COUNTY OF LOS ANGELES; LOS  
ANGELES COUNTY DEPARTMENT OF  
CHILDREN AND FAMILY SERVICES;  
LOS ANGELES DEPARTMENT OF  
MENTAL HEALTH,

Defendants - Appellants,

and

CALIFORNIA DEPARTMENT OF  
HEALTH CARE SERVICES, Doctor  
MARK GHALY, Secretary of the California  
Health and Human Services Agency,  
CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES, KIM JOHNSON,  
Director of the California Department of  
Social Services, MICHELLE BAASS,  
CALIFORNIA HEALTH AND HUMAN  
SERVICES AGENCY, CDSS Director

No. 25-1354

D.C. No.

2:23-cv-06921-JAK-E

MEMORANDUM\*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

JENNIFER TROIA,

Defendants.

Appeal from the United States District Court  
for the Central District of California  
John A. Kronstadt, District Judge, Presiding

Argued and Submitted September 19, 2025  
Pasadena, California

Before: CLIFTON, BYBEE, and LEE, Circuit Judges.

Plaintiffs in this case are a putative class of foster youth in Los Angeles County between the ages of 16 and 21, also referred to as “transition age foster youth.” They allege that the County’s foster care system has denied them “meaningful access to [] crucial housing, mental health, and other services to which they are legally entitled.” Among other things, Plaintiffs argue that there are too few foster placements, that the placements are arbitrary, and that certain health services are unavailable, all in violation of the Constitution and various federal laws.

Defendants appeal from the district court’s order denying their motion to dismiss for lack of subject matter jurisdiction. Defendants argue that Plaintiffs’ lawsuit presents questions from which federal courts ought to abstain under *Younger v. Harris*, 401 U.S. 37 (1971). Defendants also argue that Plaintiffs lack standing under Article III of the Constitution because their alleged injuries are not

redressable.

A district court's decisions on standing and *Younger* abstention are reviewed de novo. See *Colwell v. Dep't of Health & Hum. Servs.*, 558 F.3d 1112, 1121 (9th Cir. 2009). Although denial of a motion to dismiss is a non-final order generally not subject to appeal, a permissive interlocutory appeal is allowed when a non-final order "involves a controlling question of law as to which there is substantial ground for difference of opinion" and when "an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). That is the case here. The district court certified its denial of Defendants' motion to dismiss for immediate appeal, and this court granted permission to appeal. Accordingly, we have jurisdiction, and we affirm in part and dismiss in part.

1. *Younger* abstention is not warranted in this case. Federal courts have a "virtually unflagging obligation . . . to exercise the jurisdiction given them." *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976). As such, "[a]bstention from the exercise of federal jurisdiction is the exception, not the rule." *Id.* at 813. That includes *Younger* abstention, which the Supreme Court has clarified applies only to three types of cases: (1) "ongoing state criminal prosecutions"; (2) "certain civil enforcement proceedings"; and (3) "civil proceedings involving certain orders uniquely in furtherance of the state courts'

ability to perform their judicial functions.” *Sprint Commc’ns., Inc. v. Jacobs*, 571 U.S. 69, 78 (2013) (citation modified). Relevant to the instant case is the second category, which “generally concern[s] state proceedings akin to a criminal prosecution.” *Id.* at 79 (citation modified). The Court has further clarified that civil enforcement proceedings akin to a criminal prosecution typically involve state-initiated investigations that culminate in formal charges intended to sanction a plaintiff. *See id.* at 79–80.

California’s dependency proceedings do not fall under this second category of cases. That is because an initial custody action, which is akin to a criminal prosecution, is conceptually distinct from the subsequent and ongoing dependency proceedings at issue here. *Cf. Moore v. Sims*, 442 U.S. 415, 423 (1979) (applying *Younger* abstention in the “temporary removal of a child in a child-abuse context”); *Sprint*, 571 U.S. at 79 (describing the underlying action in *Moore* as a “state-initiated proceeding *to gain custody of children*” (emphasis added)). On a previous occasion, this court has similarly treated an initial custody hearing as being conceptually distinct from subsequent proceedings. *See L.H. v. Jamieson*, 643 F.2d 1351, 1354 (9th Cir. 1981) (per curiam) (“[Plaintiffs’] cause of action arises *after* a court has committed a juvenile to the state’s custody.” (emphasis added)); *cf. Arevalo v. Hennessy*, 882 F.3d 763, 766 (9th Cir. 2018) (holding that *Younger* abstention on a bail hearing is inappropriate, as it is distinct from the

criminal prosecution).

Further, as the Supreme Court of California has recognized, dependency proceedings are “designed not to prosecute a parent, but to protect the child.” *In re Josiah Z.*, 115 P.3d 1133, 1137 (Cal. 2005) (internal quotation marks omitted), *as modified* (Aug. 10, 2005). It has further concluded that “once reunification services [are] terminated,” the juvenile court’s efforts shift from being “on a parent’s challenge to a custody order” to being about “the child’s placement and well-being.” *In re Marilyn H.*, 851 P.2d 826, 833 (Cal. 1993). For these reasons, we conclude that the ongoing dependency proceedings at issue here, unlike custody hearings, do not fit into the exceptional category of civil enforcement proceedings akin to a criminal prosecution that warrants *Younger* abstention. The district court’s refusal to abstain under *Younger* is affirmed. We express no view regarding the applicability of other abstention doctrines, which the parties may raise in the future.

2. Reviewing the district court’s ruling on standing would require us to consider allegations in a complaint that has since been superseded by a subsequent second amended complaint.<sup>1</sup> That subsequent complaint was filed after the district

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<sup>1</sup> *Falck*’s conclusion that an amended complaint renders the prior complaint “a legal nullity” because the court may “no longer grant any effective relief,” *Falck N. Cal. Corp. v. Scott Griffith Collaborative Sols., LLC*, 25 F.4th 763, 765–66 (9th Cir. 2022), does not preclude us from reviewing and affirming the district court’s refusal to abstain per *Younger*. That is because, while ascertaining standing and

court's order denying the motion to dismiss the previous complaint that is the subject of this interlocutory appeal. The new complaint dropped certain claims and added others, rendering the first amended complaint and the claims therein "no longer operative" and this court unable to "grant any effective relief." *Falck*, 25 F.4th at 765. Accordingly, the instant interlocutory appeal is dismissed as moot on the question whether Plaintiffs' alleged injuries are redressable so as to confer them Article III standing.<sup>2</sup>

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whether Plaintiffs' alleged injuries are redressable requires a careful parsing of the various claims articulated in a complaint, the same is not true for our *Younger* abstention analysis. The latter analysis requires us to analyze and categorize the nature of the *entire* suit, regardless of the specific claims raised in various iterations of the complaint.

<sup>2</sup> The process followed in this case is disfavored and should be avoided. Although we accept that it was not so intended, presenting us with arguments focused on a complaint that had been superseded in the district court by a later amended complaint introduced substantial inefficiency on appeal and has likely delayed the entire proceeding.

In an order entered June 11, 2024, the district court considered and resolved multiple motions aimed at the then-operative first amended complaint. Those motions raised arguments based on *Younger* abstention and Plaintiffs' standing, among others. In granting the motions to dismiss on certain issues, the district court granted Plaintiffs leave to amend. Ten days later, on June 21, 2024, the County moved to certify the district court's June 11 order for immediate interlocutory appeal. That motion focused on the *Younger* abstention issue. In August, Plaintiffs filed a second amended complaint, which made substantial changes to the previously considered first amended complaint, including changes in the class and subclass definitions. The following month, the court heard argument on the motion to certify for immediate appeal. In December, the court granted that motion and certified for immediate appeal its June 11 order. By that time, however, the first amended complaint had been superseded by the second amended complaint.

**DISMISSED in part; AFFIRMED in part.**<sup>3</sup>

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The parties presented arguments on appeal beyond the *Younger* abstention issue; notably, Defendants contend that Plaintiffs did not have standing. But the district court order certified for appeal was the June 11 order regarding the first amended complaint. Although we have taken time to consider the arguments made by the parties regarding standing, we dismiss that part of the appeal as moot.

<sup>3</sup> Each party shall bear its own costs on appeal.