FILED
United States Court of Appeals
Tenth Circuit

June 16, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

STEVEN GLEN BYRD,

Plaintiff - Appellant,

v.

EMILY PIRRONG, in her individual and official capacity as Assistant District Attorney; MICHAEL CARRINGTON, in his individual and official capacity as DHS caseworker,

Defendants - Appellees.

No. 25-6161
(D.C. No. 5:25-CV-00747-SLP)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **BACHARACH**, **KELLY**, and **EID**, Circuit Judges.

Steven Byrd, pro se[1], appeals the district court's dismissal of his federal lawsuit seeking injunctive and declaratory relief related to an ongoing Oklahoma

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* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

[1] Because Mr. Byrd proceeds pro se, we construe his arguments liberally, but we "cannot take on the responsibility of serving as [his] attorney in constructing arguments and searching the record." *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005).

juvenile deprived proceeding.[2] Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

BACKGROUND

Mr. Byrd's complaint arose out of a proceeding for A.P., whom he alleged was his biological child and a member of the Choctaw Nation. He alleged an Oklahoma assistant district attorney was liable in her individual and official capacity for "her role in presenting and perpetuating false allegations, retaliatory litigation practices, misrepresentation of facts and legal standards, and suppressing [Mr. Byrd's] rights to due process and confrontation." R. vol. 1 at 6, ¶ 5. He further alleged a caseworker for the Oklahoma Department of Human Services was liable "for providing false testimony, suppressing exculpatory recommendations, and retaliating against [Mr. Byrd] for protected legal actions." *Id.*, ¶ 6.

He also challenged various arguments the district attorney made in the juvenile deprived case, alleging she "mischaracterized procedural documents, such as cover sheets and entry of appearance forms, as frivolous motions in an attempt to falsely portray [him] as a vexatious litigant." *Id.* at 20, ¶ 19. Mr. Byrd moved for a preliminary injunction against the judge presiding over the juvenile deprived case,[3]

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[2] Under Oklahoma law, "[a] juvenile deprived proceeding is a dependency proceeding in which legal custody, physical custody, and visitation with respect to a child is at issue." *In re N.A.*, 567 P.3d 374, 381 (Okla. 2025).

[3] Mr. Byrd was inconsistent in whether he characterized the judge as a defendant in his federal lawsuit, but he did seek injunctive relief against her. *Compare* R. vol. 1 at 20 (portion of complaint stating Mr. Byrd "brings this action against [the state court judge] in her official capacity") *with id.* at 33 (portion of

"seek[ing] prospective injunctive relief to prevent ongoing constitutional violations in connection with a pending state court child custody proceeding." *Id.* at 32.

The district court denied the motion for injunctive relief and dismissed the case pursuant to *Younger v. Harris*, 401 U.S. 37 (1971). Mr. Byrd sought reconsideration of that order under Fed. R. Civ. P. 59(e) and filed five other motions for injunctive relief pertaining to orders the Oklahoma court had entered in the juvenile deprived case. The district court denied the Rule 59(e) motion as unfounded and denied the remaining motions as procedurally improper.

In its order denying the Rule 59(e) motion, the district court referenced a pair of unpublished cases from this court observing that *Younger* abstention "could still apply to a state domestic relations case, but only if the circumstances fall into a *Sprint* [*Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 73 (2013)] category." *Covington v. Humphries*, No. 24-1158, 2025 WL 1448661, at *5 n.10 (10th Cir. May 19, 2025); *see also Bellinsky v. Galan*, No. 24-1351, 2025 WL 2047809, at *3 (10th Cir. July 22, 2025) ("[T]he Supreme Court's opinion in *Sprint* said that *Younger* abstention does not extend beyond these categories."), *cert. denied*, __ S. Ct. __, 2026 WL 189804 (Mem.), 223 L. Ed. 2d 582 (Jan. 26, 2026). *See* R. vol. 1 at 204.

Citing exhibits Mr. Byrd had attached to motions in the federal case, the district court concluded "[t]he underlying action Plaintiff complains of is a juvenile

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motion for preliminary injunction stating "[Mr. Byrd] affirms that [the state court judge] is not named as a defendant in this action, and no damages are sought from her in either her individual or official capacity").

deprived proceeding brought by the State through [the Department of Human Services] and the District Attorney." *Id.* at 205. Such a proceeding, the court concluded, fell within two *Sprint* categories. It qualified as a "'civil enforcement proceeding' initiated by the State against private parties that . . . 'involves important state interests,'" *id.* at 205–06 (quoting, successively, *Sprint*, 571 U.S. at 73, and *Moore v. Sims*, 442 U.S. 415, 423 (1979)). The court further concluded "[t]his action also falls within the third *Sprint* category because [Mr. Byrd] seeks to challenge 'certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions,'" *id.* at 206 (quoting *Sprint*, 571 U.S. at 73)," *viz* his challenges to a protective order and contempt proceedings arising out of the juvenile deprived proceeding.

This appeal followed.

DISCUSSION

"In general, we review de novo a district court's application of the *Younger* abstention doctrine." *Joseph A. ex rel. Wolfe v. Ingram*, 275 F.3d 1253, 1266 (10th Cir. 2002). *Younger* applies "*only when* the state proceeding falls into one of the following categories: (1) state criminal prosecutions, (2) civil enforcement proceedings that take on a quasi-criminal shape, and (3) civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial function." *Travelers Cas. Ins. Co. of Am. v. A-Quality Auto Sales, Inc.*, 98 F.4th 1307, 1317 (10th Cir. 2024) (internal quotation marks and brackets omitted). "If and only if the state court proceeding falls within one of the enumerated

exceptional types of cases, *may* courts analyze the propriety of abstention under the so-called *Middlesex*[4] conditions." *Id.* (internal quotation marks omitted). Under *Middlesex*, a court should "refrain from hearing an action over which it has jurisdiction when the federal proceedings would (1) interfere with an ongoing state judicial proceeding (2) that implicates important state interests and (3) affords an adequate opportunity to raise the federal claims." *Joseph A.*, 275 F.3d at 1267 (internal quotation marks and brackets omitted).

The state proceeding Mr. Byrd sought to challenge in federal court—a juvenile deprived action brought by the State of Oklahoma—was a "civil enforcement proceeding[] that take[s] on a quasi-criminal shape," *Travelers Cas. Ins. Co.*, 98 F.4th at 1317 (original brackets omitted). Indeed, the Supreme Court has held *Younger* abstention applies to "the temporary removal of a child in a child-abuse context" because such proceedings are "in aid of and closely related to criminal statutes." *Moore*, 442 U.S. at 423. (internal quotation marks omitted). Mr. Byrd does not argue—nor does any portion of the record indicate—that he was challenging a different proceeding in addition to or other than the juvenile deprived action. Because we agree the second *Sprint* category applies to that action, we need not separately consider the applicability of the third before we consider the *Middlesex* factors.

[4] "*Middlesex*" refers to *Middlesex County Ethics Commission v. Garden State Bar Association*, 457 U.S. 423 (1982).

On appeal, Mr. Byrd does not—and cannot—dispute that the first and second *Middlesex* factors counsel in favor of abstention. His complaint expressly sought injunctive relief to interfere with an ongoing state proceeding. And such proceedings clearly implicate important state interests. The Supreme Court observed "[l]ong ago . . . that '[t]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States.'" *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 12 (quoting *Ex parte Burrus*, 136 U.S. 586, 593–94 (1890), *abrogated on other grounds by Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014)).

Mr. Byrd does, however, challenge the applicability of the third *Middlesex* factor. He argues the ongoing state proceedings are inadequate to protect his federal rights because "Oklahoma County officials . . . have created a system that deliberately withholds final, appealable orders and punishes any attempt to seek review." Aplt. Opening Br. at 2. In support of this contention, he references the dismissal of two petitions for mandamus he filed in the Oklahoma Supreme Court seeking relief from orders in the juvenile deprived proceeding. He also references proceedings in the state court that, in his view, prove the entire process is illegitimate, such as a "contempt proceeding initiated in bad faith . . . to punish constitutionally protected speech." *Id.* at 9.

But Mr. Byrd "b[ore] the burden of proving that state procedural law barred presentation of [his] claims in [Oklahoma courts]." *J.B. ex rel. Hart v. Valdez*, 186 F.3d 1280, 1292 (10th Cir. 1999). "Certainly, abstention is appropriate unless

state law clearly bars the interposition of the constitutional claims." *Moore,* 442 U.S. at 425–26. And Mr. Byrd's lack of success in obtaining the relief he sought before the Oklahoma courts does not render the proceedings in those courts inadequate for *Younger* purposes. *See Morkel v. Davis*, 513 F. App'x 724, 728–29 (10th Cir. 2013) ("To the extent that Morkel has already raised her constitutional concerns in the state trial court, that court's decisions are not 'inadequate' for *Younger* purposes simply because the court did not rule in her favor.").[5] He has not shown that state law "clearly bars the interposition of" his arguments, *Moore*, 442 U.S. at 425–26, only that he has been so-far unsuccessful in his efforts.

The remainder of Mr. Byrd's appellate arguments reiterate his objections to various rulings in the ongoing Oklahoma proceedings. Whatever the merits of these objections, the district court correctly declined to exercise jurisdiction over them in a separate federal lawsuit. *See Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 14 (1987) ("[P]roper respect for the ability of state courts to resolve federal questions presented in state-court litigation mandates that the federal court stay its hand."). So, dismissal of this action under *Younger* was appropriate.

[5] We cite *Morkel* as persuasive, unpublished authority. *See* 10th Cir. R. 32.1(A).

CONCLUSION

We affirm the judgment of the district court.

Entered for the Court

Allison H. Eid
Circuit Judge