1 KM 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Arlena Minerva Willes, No. CV 19-00068-PHX-JJT (JFM) 10 Petitioner, 11 **ORDER** VS. 12 Arizona Department of Child Safety, et 13 al., 14 Respondents. 15 16 Arlena Minerva Willes has filed a pro se Petition for Writ of Habeas Corpus on 17 behalf of her child, JDZ, (Doc. 1) and paid the filing fee. Petitioner has also filed a Motion 18 for Default Judgment (Doc. 4) and Motion for Hearing (Doc. 5). The Court will dismiss 19 the Petition and this case and deny as moot the pending Motions. 20 Ms. Willes is not an attorney. Although a non-attorney may appear in propria 21 persona in her own behalf, that privilege is personal to her. Johns v. County of San Diego, 22 114 F.3d 874, 877 (9th Cir. 1997) (citing C.E. Pope Equity Trust v. United States, 818 F.2d 23 696, 697 (9th Cir. 1987)). Moreover, a parent cannot bring a pro se action on behalf of 24 minor children. Campbell v. Burt, 141 F.3d 927, 931 (9th Cir. 1998); Johns v. County of

It further appears Petitioner is attempting to challenge state court proceedings to terminate her parental rights and seek custody of her son. Habeas corpus is appropriate for

in order to file a case on behalf of her minor child.

San Diego, 114 F.3d 874, 876 (9th Cir. 1997). Petitioner must be represented by counsel

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challenging a criminal conviction or sentence, it is not applicable to parental termination proceedings or decisions.

Finally, even if Petitioner had filed a lawsuit on her own behalf and properly invoked this Court's jurisdiction, the *Younger*¹ abstention doctrine bars the Court from considering Petitioner's claims. *See Zimmermann v. Gregoire*, 18 Fed. Appx. 599, 601 (9th Cir. 2001) (concluding the district court properly dismissed claims related to dependency actions and/or actions to terminate parental rights pursuant to the *Younger* abstention doctrine because adjudicating those claims would interfere with ongoing state court proceedings, important state interests (the parent-child relationship) were implicated, and no extraordinary circumstances, bad faith or harassment made abstention inappropriate.)

Accordingly, Court will dismiss this action for lack of jurisdiction and will deny as moot Petitioner's pending Motions.

IT IS ORDERED:

- (1) The Petition (Doc. 1) and this case are **dismissed** without prejudice for lack of jurisdiction.
- (2) Petitioner's Motion for Default Judgment (Doc. 4) and Motion for Hearing (Doc. 5) are **denied** as moot.
 - (3) The Clerk of Court must enter judgment and close the case.

Dated this 4th day of April, 2019.

Honorable John J. Tuchi United States District Judge

¹ Younger v. Harris, 401 U.S. 37 (1971).