No. 26-5057

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT



RAMSI A. WOODCOCK, )
)
Plaintiff-Appellant, )
)
v. ) O R D E R
)
UNIVERSITY OF KENTUCKY, et al., )
)
Defendants-Appellees. )

Before: SILER, GIBBONS, and BUSH, Circuit Judges.

Ramsi A. Woodcock, a tenured professor at the University of Kentucky J. David Rosenberg College of Law, appeals the district court's order denying his motion for a preliminary injunction after concluding that abstention was proper under *Younger v. Harris*, 401 U.S. 37 (1971), in his underlying action against Defendants University of Kentucky; its President, Eli Capilouto, in his official and individual capacities; its Provost, Robert DiPaola, in his official and individual capacities; its General Counsel, William Eugene Thro, in his official and individual capacities; its Dean of the College of Law, James C. Duff, in his official and individual capacities (collectively, the "University Defendants"); Secretary of Education for the U.S. Department of Education, Linda McMahon; and Attorney General of the Commonwealth of Kentucky, Russell Matthew Coleman. Woodcock separately moves for an injunction pending appeal to "enjoin the investigation, interim suspension, and ban imposed" upon him by the University Defendants and to expedite our ruling

on his motion. Most of the Defendants oppose these motions. Charles L. Thomason moves for leave to file an amicus brief in support of Woodcock's reply to Coleman's response to the motion for an injunction pending appeal.

As background and in broad strokes, Woodcock believes that he has a duty, as an American, law professor, and scholar, "to call for an end to Israel," which he describes as "a Western colonization project that practices apartheid and is currently committing genocide." R. 36, FAC, PageID 1626, 1630. According to him, he has shared his view "in all of the ways in which a scholar would be expected to share research conclusions about how to stop a genocide." *Id.* at PageID 1631. He filed suit after the University launched an investigation against him—related to, among other things, his writings on certain websites, his conduct at academic conferences, and his postings on American Association of Law Schools listservs—and reassigned his duties and directed him not to enter the law school in the interim. That investigation and the interim restrictions remain ongoing, as do Woodcock's attempts to obtain federal injunctive relief.

"[We have] the power to grant an injunction pending appeal to prevent irreparable harm to the party requesting such relief during the pendency of the appeal." *Overstreet v. Lexington-Fayette Urb. Cnty. Gov't*, 305 F.3d 566, 572 (6th Cir. 2002); *see* Fed. R. App. P. 8(a)(2). We consider four factors in deciding whether to grant an injunction pending appeal: (1) whether the movant is likely to succeed on the merits of the appeal; (2) whether the movant will suffer irreparable harm absent an injunction; (3) whether the injunction will injure other parties; and (4) whether the public interest favors an injunction. *Monclova Christian Acad. v. Toledo-Lucas Cnty. Health Dep't*, 984 F.3d 477, 479 (6th Cir. 2020) (order). Although our conclusions today do not represent the final word on this appeal, at this stage, we find that none of these factors weigh in favor of relief.

The district court declined to grant Woodcock's motion for a preliminary injunction and instead abstained under *Younger v. Harris*, 401 U.S. 37 (1971). We find that Woodcock has not—at least on the arguments properly raised and developed in his motion—shown that the district court improperly abstained. Because this is dispositive, we decline to review his remaining arguments regarding his likelihood of success on his First Amendment and due process claims and conclude that Woodcock has not shown that he is likely to succeed on the merits of his appeal.

"A preliminary injunction is an extraordinary remedy which should be granted only if the movant carries his or her burden of proving that the circumstances clearly demand it." *Overstreet*, 305 F.3d at 573. The same four factors that guide our decision to grant an injunction pending appeal also guide the district court's decision to grant or deny a preliminary injunction. *See S. Glazer's Distribs. of Ohio, LLC v. Great Lakes Brewing Co.*, 860 F.3d 844, 849 (6th Cir. 2017). While we review the ultimate denial of a motion for a preliminary injunction for an abuse of discretion, we review the district court's legal determinations, including its application of the *Younger* doctrine, de novo. *Id.*

Ordinarily, "the courts of the United States are bound to proceed to judgment and to afford redress to suitors before them in every case to which their jurisdiction extends. They cannot abdicate their authority or duty in any case in favor of another jurisdiction." *New Orleans Pub. Serv., Inc. v. Council of New Orleans* ("*NOPSI*"), 491 U.S. 350, 358 (1989) (citation modified). Nevertheless, although it "remains 'the exception, not the rule[,]'" *id.* at 359 (quoting *Haw. Hous. Auth. v. Midkiff*, 467 U.S. 229, 236 (1984)), the Supreme Court "has recognized . . . certain instances in which the prospect of undue interference with state proceedings counsels against federal relief," *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013). And "*Younger* exemplifies one class of cases in which federal-court abstention is required: When there is a

parallel, pending state criminal proceeding, federal courts must refrain from enjoining the state prosecution." *Id.* Over time, the Supreme Court has expanded *Younger* abstention to also include "particular state civil proceedings that are akin to criminal prosecutions or that implicate a State's interest in enforcing the orders and judgments of its courts." *Id.* at 72–73 (citation modified); *see Doe v. Univ. of Ky.*, 860 F.3d 365, 369 (6th Cir. 2017). But in doing so, it has steadfastly cautioned that while *Younger* extends to these three exceptional circumstances, it extends "no further." *Sprint*, 571 U.S. at 82. Moreover, it remains that even if the proceeding fits into one of these three exceptional circumstances, abstention is proper only when yet three additional criteria are satisfied: "(1) state proceedings are currently pending; (2) the proceedings involve an important state interest; and (3) the state proceedings will provide the federal plaintiff with an adequate opportunity to raise his constitutional claims." *Doe*, 860 F.3d at 369 (citing *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432–34 (1982)).

As an initial matter, Woodcock incorporates arguments from a tendered "draft" merits brief accompanying his motion. However, under Federal Rule of Appellate Procedure 27(a)(2)(A), "[a] motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it." And, generally, "a motion . . . produced using a computer must not exceed 5,200 words." Fed. R. App. P. 27(d)(2)(A). Because Woodcock did not move for leave to exceed these word limits or show why they are insufficient, we decline to review the arguments raised in this draft brief. *See McPherson v. Kelsey*, 125 F.3d 989, 995–96 (6th Cir. 1997).

Woodcock argues that the investigation is not a civil enforcement proceeding akin to a criminal prosecution because it is not "judicial in nature." D. 6-1, Motion, pp. 10–12. He contends that "[t]he University's actions lack the conventional character of a judicial proceeding undertaken

according to laws 'supposed already to exist' and therefore are not abstainable under *Younger*." *Id.* at p. 11. Specifically, he asserts that the University Defendants have not followed established procedure and have instead "invented a process specifically for [him]." *Id.*

There does not appear to be any binding authority holding that state university investigations against employees are akin to criminal proceedings. *See, e.g.*, *Al-Marayati v. Univ. of Toledo*, No. 97-3161, 1998 U.S. App. LEXIS 9797, at *15–18 (6th Cir. May 12, 1998) (pre-*Sprint* and thus containing no analysis of whether the proceeding was akin to a criminal prosecution). That said, there is still good reason to conclude that at least this one likely is.

Proceedings that are judicial in nature—that, for their "purpose and end," "investigate[], declare[] and enforce[] liabilities as they stand on present or past facts and under laws supposed already to exist"—stand in opposition to proceedings that are legislative in nature—that "look[] to the future and change[] existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power." *NOPSI*, 491 U.S. at 370–71 (quoting *Prentis v. Atl. Coast Line Co.*, 211 U.S. 210, 226 (1908)). And in this dichotomy, it is difficult to conceive how the University's investigation—of which Woodcock's removal from the classroom and building are part—is legislative instead of judicial in nature. *See id.* at 371 (noting that the relevant consideration is "the character of the proceedings," specifically "[t]he nature of the final act" (quoting *Prentis*, 211 U.S. at 226–27)).

Moreover, *Doe* is instructive. In *Doe*, we reviewed a district court's decision to abstain under *Younger* after Doe, a student at the University of Kentucky, asked the district court to enjoin the University and certain of its officials from conducting a disciplinary hearing relating to allegations that Doe had engaged in nonconsensual sexual acts against another student. 860 F.3d at 367–68. We concluded that Doe's disciplinary hearing was "a civil enforcement proceeding

akin to a criminal prosecution," because, "[i]n proceedings akin to a criminal prosecution, 'a state actor is routinely a party to the state proceeding and often initiates the action,' and the procedure is initiated to sanction the federal plaintiff," *id.* at 369 (quoting *Sprint*, 571 U.S. at 79), and, most like here: "the disciplinary proceeding was brought to sanction Doe and could have severe consequences, such as expulsion and future career implications," *id.* at 370; "[a] state actor, the public University, [was] a party to the proceeding and initiated the action," *id.*; "the case against Doe involved a filed complaint, an investigation, notice of the charge, and the opportunity to introduce witnesses and evidence," *id.*; "school disciplinary proceedings, while requiring some level of due process, need not reach the same level of protection that would be present in a criminal prosecution," *id.*; and "while the proceeding may lack all the formalities found in a trial, it contain[ed] enough protections and similarities to qualify as 'akin to criminal prosecutions' for purposes of *Younger* abstention," *id.*

To be sure, there are factual differences between *Doe* and the case at hand. But the one that Woodcock emphasizes—that the University Defendants have not strictly adhered to established procedure—is not swaying. Implicit in Woodcock's argument is an acknowledgement that there are procedures in place, the legitimacy of which he does not meaningfully challenge in his motion. *See McPherson*, 125 F.3d at 995–96. And, given that the University has initiated the investigation to sanction Woodcock, *see Sprint*, 571 U.S. at 79–80 ("Investigations are commonly involved, often culminating in the filing of a formal complaint or charges."), it appears that at this point in the inquiry, the operative question is whether these procedures as a whole "contain[] enough protections and similarities to qualify as 'akin to criminal prosecutions' for purposes of *Younger* abstention." *Doe*, 860 F.3d at 370.

Ultimately, Woodcock offers no authority affirmatively supporting his position. And in the absence of that authority, the deviation that Woodcock alleges, even if true, simply does not establish that the proceeding is so lacking in due process protections that it is removed from the realm of *Younger*. *See Ohio C.R. Comm'n v. Dayton Christian Schs., Inc.*, 477 U.S. 619, 628 (1986) ("[W]e have repeatedly rejected the argument that a constitutional attack on state procedures themselves automatically vitiates the adequacy of those procedures for purposes of the *Younger-Huffman* line of cases." (citation modified)).

Woodcock also argues that he lacks an adequate opportunity to raise his constitutional claims. He asserts that because he is bringing "First Amendment and due process challenges to the constitutionality of the investigation, as well as to the imposition of the interim suspension and ban," an adequate opportunity to raise constitutional claims requires "access to a forum that will rule on his objections while the investigation, suspension, and ban are ongoing (or paused by an injunction) rather than after they have come to an end." D. 6-1, Motion, pp. 9–10. He contends that "Defendants have made clear that they will not rule on [his] objections until after the investigation and associated interim suspension and ban have ended." *Id.* at p. 9. In this regard, Woodcock directs our attention to a letter from the investigator, Farnaz Farkish Thompson, in which she states that she "will not serve as the decision-maker with respect to the allegations against Professor Woodcock," and that "[a]fter the University receives and considers all the evidence as well as Professor Woodcock's responses to the evidence . . . the University President will issue a letter to Professor Woodcock . . . with the University's findings, including the rationale for any such findings." *Id.* (citing R. 19-15, Thompson Letter, PageID 1570).

But Woodcock's situation is not as rare as he suggests. *See Sprint*, 571 U.S. at 79–80 ("Investigations are commonly involved, often culminating in the filing of a formal complaint or

charges."). And notably absent from Woodcock's argument is an acknowledgement of his burden of proof. As the district court stated, to prevail on an assertion that his state proceeding will not provide him an adequate opportunity to raise his constitutional claims, Woodcock "bear[s] the burden of showing that state procedural law bar[s] presentation of [his] constitutional claims." *Nimer v. Litchfield Twp. Bd. of Trs.*, 707 F.3d 699, 701 (6th Cir. 2013); *see James v. Hampton*, 513 F. App'x 471, 475 (6th Cir. 2013). Woodcock points to no state law barring him from presenting his constitutional claims during the investigation. To the contrary, it appears, as the district court observes, that Woodcock has already raised his constitutional claims with Thompson. *See Tennessee ex rel. Patterson v. Gibbons*, 698 F. App'x 307, 309 (6th Cir. 2017) ("*Younger* requires only that he be able to assert claims, not that he prevail on them."). And, notably, the written policy of the University's Office of Equal Opportunity also plainly indicates that Woodcock has the right "[t]o have the University respect [his] rights provided by the United States and Kentucky Constitutions." R. 42-1, Office of Equal Opportunity Police, PageID 2085. Furthermore, any adverse decision stemming from the investigation will afford Woodcock additional opportunities to raise his constitutional claims. *Gibbons*, 698 F. App'x at 309; *James*, 513 F. App'x at 474 ("[W]e cannot conclusively determine that, at the time this lawsuit was filed, James would have no adequate opportunity to raise her federal claims at some point during the state proceedings."); *see* Ky. Rev. Stat. § 164.230.

Lastly, Woodcock argues that the district court "should have concluded that a university disciplinary proceeding commences with the filing of formal charges, which has not yet happened in this case." D. 6-1, Motion, p. 12. The district court concluded that the proceeding likely began on July 18, 2025, when Woodcock was notified by Capilouto, Thro, and Duff that an investigation

had commenced, or July 22, 2025, at the latest, because that was the day that Thompson sent her first letter to Woodcock. Both of those dates well preceded the November filing of this suit.

Woodcock, however, directs our attention to out-of-circuit authority for the general proposition that abstention is not required in the investigatory part of a judicial proceeding. *See Seattle Pac. Univ. v. Ferguson*, 104 F.4th 50, 64 (9th Cir. 2024); *Guillemard-Ginorio v. Contreras-Gomez*, 585 F.3d 508, 519 (1st Cir. 2009); *Telco Commc'ns, Inc. v. Carbaugh*, 885 F.2d 1225, 1229 (4th Cir. 1989). Any reliance on those cases is likely misplaced. As the district court noted, in the context of civil enforcement proceedings akin to a criminal prosecution more broadly, we have clarified that "[f]or *Younger* abstention purposes, state law controls the determination of when the state proceedings began." *James*, 513 F. App'x at 474; *see Squire v. Coughlan*, 469 F.3d 551, 555–56 (6th Cir. 2006) (reviewing the governing authority on judicial disciplinary proceedings).

Neither party advances any state-court case resolving this issue. But as is clear by the communications Woodcock received in July 2025, at least one of the issues under investigation is whether Woodcock engaged in discrimination or harassment. And a review of the University's Administrative Regulation – Equal Dignity (interim) indicates that an investigation is an indispensable, initial part of its adjudicative resolution of complaints related to discrimination and harassment. The regulation itself states that, following a complaint, "[t]he Office of Equal Opportunity will establish processes for the investigation, resolution and adjudication of complaints." R. 36-1, Exh. A to FAC, PageID 1862. Consistent with this, the Office of Equality Opportunity itself has a written policy which describes an investigation just like the one at issue.

Where we conclude that abstention was likely proper, it is not apparent that review of the remaining factors—whether the movant will suffer irreparable harm absent an injunction, whether

the injunction will injure other parties, and whether the public interest favors an injunction—is material, or even appropriate. For the sake of completeness, however, we note that they also counsel against relief.

While "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury," *Elrod v. Burns*, 427 U.S. 347, 373 (1976), as set forth above, a finding that abstention is appropriate is also a finding that "the state proceedings will provide the federal plaintiff with an adequate opportunity to raise his constitutional claims," *Doe*, 860 F.3d at 369. And, despite his arguments to the contrary, Woodcock has not shown at this stage that his state proceedings will not provide him with an adequate opportunity to raise his constitutional claims. Where that adequate alternative exists, Woodcock will not be irreparably injured in the absence of an injunction pending appeal from us.

In his motion requesting an expedited ruling, Woodcock offers additional argument on the irreparable harm that he will suffer in the absence of an injunction pending appeal. He discusses, among other things, his inability to speak as a teacher, his removal from law school committees, his lack of access to the law library, his emotional and mental state, his self-censorship, and the overall chilling effect that has followed the University's actions against him. As a general matter, the objections to this additional argument are well taken. Woodcock's new filing is 409 pages and goes well beyond simply asking us to rule on his earlier motion with urgency. *See* 6 Cir. R. 27(c), (f); Fed. R. App. P. 27(d)(2). But even if we were to consider these additional arguments at this stage, they would be unavailing for the same reason.

As to the final two factors, "*Younger* abstention derives from a desire to prevent federal courts from interfering with the functions of state criminal prosecutions and to preserve equity and

comity." *Doe*, 860 F.3d at 368. Those aims are not served by our interference, which would be to the detriment of the other parties and the public.

As a final matter, we turn to Thomason's motion for leave to file an amicus brief in support of Woodcock's reply to Coleman's response to the motion for an injunction pending appeal. Because he has not received the consent of all parties, he "may file a brief only by leave of court." Fed. R. App. P. 29(a)(2).

Amicus briefs may be permitted upon our "initial consideration of a case on the merits." Fed. R. App. P. 29(a)(1). But amicus filings must comply with the rules governing them. *See* Fed. R. App. P. 29. Thomason did not seek leave to file an amicus brief within seven days of Woodcock filing his motion for injunction pending appeal, *see* Fed. R. App. P. 29(a)(6), and appears to have exceeded the authorized length of permitted amicus filings, Fed. R. App. P. 29(a)(5). And, even had Thomason's amicus brief complied with these procedural rules, it does not advance resolution of Woodcock's motion for an injunction pending appeal. Coleman made clear in his response that he took "no position on the *Younger* issue" and sought only "to defend the constitutionality of a state law." D. 15, Resp. of Ky. Att'y Gen., p. 9. Because Woodcock has not shown that the district court improperly abstained under *Younger*, there is no need for amicus argument on secondary issues that we have not reached.

Accordingly, the motions for an injunction pending appeal and for leave to file an amicus brief are **DENIED**, and the motion to expedite is **DENIED AS MOOT**.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk