

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 28, 2025

Christopher M. Wolpert
Clerk of Court

ANTONIA BLACKWELL,

Petitioner - Appellant,

v.

MICHAEL BOEHM, et al.,

Respondents - Appellees.

No. 25-4081
(D.C. No. 2:25-CV-00465-TS)
(D. Utah)

ORDER

Before CARSON and ROSSMAN, Circuit Judges.

Petitioner-Appellant Antonia Blackwell has appealed from the denial of her habeas petition under 28 U.S.C. § 2241, in which she sought the invalidation of an arrest warrant issued by the South Jordan Justice Court in South Jordan, Utah. The district court denied her petition in part because it was barred by the *Younger* abstention doctrine. *See Younger v. Harris*, 401 U.S. 37 (1971); *Travelers Cas. Ins. Co. of Am. v. A-Quality Auto Sales, Inc.*, 98 F.4th 1307, 1317 (10th Cir. 2024) (describing circumstances in which the court must abstain under *Younger* from interfering in ongoing state court proceedings).

Ms. Blackwell has filed multiple motions with this court, all seeking the same relief: an injunction pending appeal to stay the enforcement of the arrest warrant. *See* ECF Nos. 3, 21, 22. A stay is “an exercise of judicial discretion,” and “[t]he party

requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Nken v. Holder*, 556 U.S. 418, 433-434 (2009) (internal quotation marks omitted). In evaluating such request, we evaluate several factors, including “whether the stay applicant has made a strong showing that [she] is likely to succeed on the merits.” *Id.* at 434 (internal quotation marks omitted).

Ms. Blackwell has not explained in any of her motions why the district court erred in concluding the *Younger* abstention doctrine applies in the circumstances presented. She has therefore failed to carry her burden of making a strong showing that she is likely to succeed on appeal. Accordingly, we deny her motions for injunctive relief. We further deny Ms. Blackwell’s motion to expedite consideration of her motions as moot.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

APP B

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 22, 2025

Christopher M. Wolpert
Clerk of Court

ANTONIA BLACKWELL,

Petitioner - Appellant,

v.

MICHAEL BOEHM, et al.,

Respondents - Appellees.

No. 25-4081
(D.C. No. 2:25-CV-00465-TS)
(D. Utah)

ORDER

Before CARSON and ROSSMAN, Circuit Judges.

Petitioner-Appellant Antonia Blackwell has filed a Petition for Rehearing En Banc of this court's order denying her motions for injunctive relief pending appeal. Under Tenth Circuit Rule 40.2(F), “[t]he en banc court does not consider procedural and interim orders,” including “injunctions pending appeal.” Accordingly, Ms. Blackwell’s petition was submitted to the panel. The petition is denied.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

FILED

United States Court of Appeals

Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 24, 2025

Christopher M. Wolpert
Clerk of Court

ANTONIA BLACKWELL,

Petitioner - Appellant,

v.

MICHAEL BOEHM; DEBORAH
SNOW,

Respondents - Appellees.

No. 25-4081
(D.C. No. 2:25-CV-00465-TS)
(D. Utah)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **FEDERICO, BALDOCK, and MURPHY**, Circuit Judges.

Petitioner Antonia Blackwell filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. In her petition, Blackwell sought to challenge a bench warrant issued against her in a state criminal proceeding. Because Blackwell moved for permission to proceed in forma pauperis (IFP), the district court screened Blackwell's petition under 28 U.S.C. § 1915(e)(2)(B). The district

* This order 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 Federal Rule of Appellate Procedure 32.1 and 10th Circuit Rule 32.1.

court found that *Younger* abstention applied, so it denied IFP and dismissed Blackwell’s petition without prejudice.¹ Blackwell now appeals that dismissal.

However, Blackwell may not appeal unless she first secures a certificate of appealability, which the district court denied. 28 U.S.C. § 2253(c)(1). A certificate of appealability is not available unless “jurists of reason would find it debatable whether the district court was correct” in dismissing Blackwell’s petition. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). We conclude that Blackwell has not met the standard for issuance of a certificate.

Younger abstention requires a federal court to “abstain from deciding a case otherwise within the scope of its jurisdiction in ‘certain instances in which the prospect of undue interference with state proceedings counsels against federal relief.’” *Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 953 F.3d 660, 669–70 (10th Cir. 2020) (quoting *Sprint Commc’ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013)). Under this doctrine, the district court was required to abstain – and therefore dismiss Blackwell’s petition – if (1) there was an ongoing state criminal proceeding, (2) Blackwell could have raised her claims in that proceeding, and (3) the state has an important interest. *Graff v. Aberdeen Enterprizes, II, Inc.*, 65 F.4th 500, 522–23 (10th Cir. 2023).

¹ Although the district court denied IFP for Blackwell’s petition, it subsequently granted IFP on appeal under Federal Rule of Appellate Procedure 24(a)(1). Doc. 24.

The district court correctly concluded that there were ongoing state criminal proceedings against Blackwell, that Blackwell could have challenged her bench warrant in those proceedings, and that the state has an important interest in prosecuting criminal cases without federal interference. *See Mesa v. California*, 489 U.S. 121, 138 (1989). We therefore conclude that *Younger* abstention applies.

Accordingly, we deny a certificate of appealability, deny Blackwell's request for judicial notice, and dismiss the appeal.

APPEAL DISMISSED.

Entered for the Court

Richard E.N. Federico
Circuit Judge

APP D

United States District Court

District of Utah

ANTONIA BLACKWELL

Plaintiff

JUDGMENT IN A CIVIL CASE

v.

MICHAEL BOEHM et al.

Case Number: 2:25-CV-0465-TS

Defendants.

IT IS ORDERED AND ADJUDGED

that the Judgment shall be, and hereby is, that this matter is dismissed.

June 26, 2025

BY THE COURT:

Date



Ted Stewart
United States District Judge

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 29, 2025

Christopher M. Wolpert
Clerk of Court

ANTONIA BLACKWELL,

Petitioner - Appellant,

v.

MICHAEL BOEHM, et al.,

Respondents - Appellees.

No. 25-4081
(D.C. No. 2:25-CV-00465-TS)
(D. Utah)

ORDER

This matter is before the court *sua sponte* to address the matter on which this court abated proceedings in this appeal – *i.e.*, whether the district court would issue a certificate of appealability (COA) for this § 2241 appeal. By way of background, this court remanded the case to the district court on a limited basis for the district court to consider whether to issue a COA. The district court entered an order on July 29, 2025, declining to issue a COA (Dist. Ct. ECF No. 24), which was transmitted to this court by the district court and filed on our docket (ECF 13).

Upon consideration of the district court’s July 29, 2025 order, we have determined that the abatement of this appeal should be lifted. This § 2241 appeal will proceed in the ordinary course.

Within 40 days of the date of this order, the appellant shall file a combined merits brief and application for a COA. With her copy of the order, the court will provide a pro

**Additional material
from this filing is
available in the
Clerk's Office.**