

Submitted: December 13, 2010
Filed: March 2, 2011

Before RILEY, Chief Judge, BEAM and BENTON, Circuit Judges.

PER CURIAM.

John Chism Bail Bonds, Inc. (JCBB) appeals part of the district court's¹ Fed. R. Civ. P. 12(b) dismissal of its civil rights lawsuit against certain public officials in Saline County, Arkansas (County). See generally John Chism Bail Bonds, Inc. v. Pennington, 656 F. Supp. 2d 929 (E.D. Ark. 2009). JCBB argues the district court erred in dismissing some of JCBB's 42 U.S.C. § 1983 claims against County Sheriff Bruce Pennington, County Jail Administrator Ray Pennington, and the County itself (collectively, the Pennington defendants).² Because JCBB does not challenge any other portion of the district court's dismissal order, we need not consider the Arkansas Attorney General's forty-five page brief, tendered on behalf of the County's prosecutor and judges, in support of the judgment below. See Jasperson v. Purolator Courier Corp., 765 F.2d 736, 740-41 (8th Cir. 1985) (holding the failure to raise an issue on appeal constitutes abandonment of that issue).

¹The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

²In their brief, the Pennington defendants wonder "why Saline County . . . is a party to this appeal." We assume Saline County is a party because the official capacity claims against Bruce and Ray Pennington are claims against the County. See Hafer v. Melo, 502 U.S. 21, 25 (1991) ("[T]he real party in interest in an official-capacity suit is the governmental entity and not the named official."); Kentucky v. Graham, 473 U.S. 159, 166 (1985) ("[A]n official capacity suit is, in all respects other than name, to be treated as a suit against the entity.").

As relevant here, JCBB alleged the County’s judges announced in a general administrative order that the County’s courts would no longer accept cash or professional bonds, including JCBB’s “credit bonds.” A “credit bond” apparently refers to the “practice whereby a bail bondsman will extend credit to a detainee for the premium for the bond, as opposed to requiring payment for the premium before issuing the bond.” John Chism Bail Bonds, 656 F. Supp. 2d at 931-32 n.1.

In one particular criminal case, Special Judge Meredith Wineland³ set Boyce Williams’s bond at \$5,000 “as cash, professional, or anything acceptable by the Sheriff.” Bruce Pennington and Ray Pennington decided to require Williams to post a “sheriff’s bond” in lieu of one of JCBB’s bonds. A “sheriff’s bond” seemingly refers to “the practice whereby the sheriff accepts cash or property for bail in lieu of a bail bond from a professional bail bondsman.” Id. at 932 n.2 (citing Ark. Code Ann. §§ 16-84-103(a)(2), 16-84-105(b), and 16-84-107(a)).

JCBB contends the Pennington defendants, in requiring a sheriff’s bond, abridged JCBB’s Fourteenth Amendment rights to procedural and substantive due process. These § 1983 claims, which JCBB refers to as the “Williams claim,” are not explicitly discussed in the district court’s order, but are controlled by the district court’s broader holdings that JCBB’s (1) individual capacity claims against Bruce and Ray Pennington are barred by quasi-judicial absolute immunity and (2) official capacity claims against the Pennington defendants should be dismissed under the abstention doctrines developed in R.R. Comm’n of Tex. v. Pullman Co., 312 U.S. 496 (1941) and Burford v. Sun Oil Co., 319 U.S. 315 (1943). It is not surprising the Williams claim is not discussed in the district court’s order, because, as the Pennington defendants observe, “[t]his is an appeal of a tiny sliver of what transpired below.” Indeed, the amount in controversy here is apparently \$500—JCBB’s premium for Williams’ bond.

³Judge Wineland was not one of the judges who issued the administrative order.

We agree with the district court's disposition of the Williams claim. Reviewing the dismissal of the individual capacity claims de novo, see Martin v. Hendren, 127 F.3d 720, 721 (8th Cir. 1997), we hold quasi-judicial absolute immunity protects the sheriff and jail administrator in their joint decision to require a sheriff's bond before releasing Williams. See Robinson v. Freeze, 15 F.3d 107, 109 (8th Cir. 1994) (holding quasi-judicial absolute immunity protects persons other than judges when they perform certain delegated judicial powers); cf. Curry v. Castillo (In re Castillo), 297 F.3d 940, 952-53 (9th Cir. 2002); Whitesel v. Sengenberger, 222 F.3d 861, 867-70 (10th Cir. 2000); Wilson v. Kelkhoff, 86 F.3d 1438, 1443-45 (7th Cir. 1996). Similarly, reviewing the dismissal of JCBB's official capacity claims against the Pennington defendants for an abuse of discretion, see Night Clubs, Inc. v. City of Fort Smith, Ark., 163 F.3d 475, 479 (8th Cir. 1998), we hold the district court did not abuse its discretion by abstaining in light of the uncertainty of the relevant decisional rules and the Arkansas state courts' greater expertise in this area. See Pullman, 312 U.S. at 501; Burford, 319 U.S. at 327-34. The district court understandably declined to interfere in the County's bail bond practice, leaving this local dispute for the Arkansas courts to resolve in the first instance.

We affirm the judgment of the district court.
