

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON LLOYD HOUSTON,
Plaintiff,
v.
ANNE MARIE SCHUBERT,
Defendant.

No. 2:15-cv-2156 AC P

ORDER and
FINDINGS AND RECOMMENDATIONS

Plaintiff is a Sacramento County pretrial detainee, incarcerated at the Rio Cosumnes Correctional Center, who proceeds pro se with this putative civil rights action filed under 42 U.S.C. § 1983. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c).

Pursuant to his original complaint filed October 15, 2015, and five subsequently filed amended complaints, plaintiff challenges his bail (\$645,000) as excessive, noting that he is otherwise homeless. Plaintiff seeks damages in the amount of \$645,000, in order to make bail, plus “ten times” that amount in punitive damages. The variously named defendants include Sacramento County District Attorney Anne Marie Schubert, the Sacramento County Superior Court, the Sacramento County Sheriff’s Department, and Sacramento County. Plaintiff avers that he has not sought to administratively exhaust this claim because “excessive bail is not a grievance

///

1 matter.” ECF No. 12 at 2. There is no indication that plaintiff has otherwise pursued this matter
2 in the state courts.

3 Review of plaintiff’s exhibits indicates that he was arrested on June 26, 2015. Review of
4 the online case access website operated by the Sacramento County Superior Court indicates that
5 plaintiff’s trial was recently continued, both on March 7 and March 10, 2016.¹

6 Federal challenges to ongoing criminal proceedings are barred by the abstention doctrine
7 set forth in Younger v. Harris, 401 U.S. 37 (1971). A federal court must abstain under Younger if
8 the following four requirements are met: (1) a state initiated proceeding is ongoing; (2) the
9 proceeding implicates important state interests; (3) plaintiff is not barred from litigating federal
10 constitutional issues in the state proceeding; and (4) the requested federal court action would
11 enjoin the proceeding or have the practical effect of doing so. See Gilbertson v. Albright, 381
12 F.3d 965, 978 (9th Cir. 2004) (en banc); AmerisourceBergen Corp. v. Roden, 495 F.3d 1143,
13 1149 (9th Cir. 2007).

14 Each of these factors is met in the instant case. Plaintiff’s state court criminal prosecution
15 is pending; by definition, criminal prosecutions implicate important state interests; plaintiff is not
16 barred from pursuing his implicit federal constitutional claim in his state criminal proceeding
17 (i.e., the alleged violation of the Eighth Amendment’s proscription against “excessive bail”); and
18 the remedy plaintiff requests of this court would effectively enjoin or otherwise significantly
19 disrupt the ongoing state criminal prosecution against plaintiff. For these reasons, the court finds
20 that plaintiff’s excessive bail claim is barred in this court by the Younger abstention doctrine.
21 Therefore, this action should be dismissed without prejudice, without independent consideration
22 of plaintiff’s motions to proceed in forma pauperis or motion for summary judgment.

23 ///

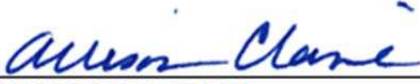
24 _____
25 ¹ This court may take judicial notice of its own records and the records of other courts. See
26 United States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004); United States v. Wilson, 631
27 F.2d 118, 119 (9th Cir. 1980); see also Fed. R. Evid. 201 (court may take judicial notice of facts
28 that are capable of accurate determination by sources whose accuracy cannot reasonably be
questioned). See:
<https://services.saccourt.ca.gov/PublicCaseAccess/Criminal/CaseDetails?SourceSystemId=8&SourceKey=1523631>

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a
2 district judge to this action.

3 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without
4 prejudice, and all pending motions and requests be denied as moot.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings
9 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
10 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
11 (9th Cir. 1991).

12 DATED: March 14, 2016

13 
14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28