

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NOAH BREWINGTON,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 2:23-cv-00156-GZS
)	
ROY E. MCKINNEY, et al.,)	
)	
Defendants.)	
)	

ORDER AFFIRMING RECOMMENDED DECISION

On April 27, 2023, the United States Magistrate Judge filed with the Court his Recommended Decision after Review of Plaintiff’s Complaint (ECF No. 6). Plaintiff filed his Objection (ECF No. 7) on May 9, 2023.

The Court has made a de novo determination of all matters adjudicated by the Magistrate Judge’s Recommended Decision and concurs with the recommendations of the Magistrate Judge for the reasons set forth in that order.¹ As a result, the Court determines that no further proceedings are necessary with respect to this Recommended Decision.

It is therefore **ORDERED** that:

1. This Recommended Decision is hereby **AFFIRMED** to the extent that it recommended dismissal based on Younger abstention.
2. This case is hereby **DISMISSED** without prejudice based on the Court’s sua sponte determination that the Court must abstain from the exercise of federal

¹ The Court notes that to the extent the Recommended Decision suggested that the Court could reconsider its decision to abstain upon proof that the underlying state criminal proceeding has concluded, nothing in Plaintiff’s most recent 92-page filing suggests that his state criminal case has concluded. See Rec. Dec., PageID # 170 n.2.

jurisdiction under Younger v. Harris, 401 U.S. 37 (1971), while Plaintiff's state criminal proceeding remains pending and his complaints can be raised in the context of those state proceedings.

3. The Emergency Motion to treat this matter as a petition for mandamus is **DISMISSED** as moot.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 11th day of May, 2023.