

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GARTAVIS KE'ANDRE DAVIS,)

Plaintiff,)

v.)

MADISON GRATHAM, *et al.*,)

Defendants.)

CASE NO. 3:20-cv-591-RAH

ORDER

On October 21, 2020, the Magistrate Judge entered a Recommendation that this case should be dismissed prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), (ii), and (iii). Specifically, he recommended that Plaintiff Gartavis Ke'Andre Davis' claims for relief against the Honorable A. David Johnson, Circuit Court Judge of Russell County; Kenneth Davis, District Attorney; Madison Gratham, Assistant District Attorney; and Jacqueline Hackney, the victim of the alleged criminal offenses, for actions which occurred during state court proceedings related to the rape and burglary charges pending against him before the Russell County Circuit Court should be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (iii). In addition, the Magistrate Judge recommended the Plaintiff's challenges to the veracity and sufficiency of the evidence in his pending state criminal cases and his request for dismissal of those cases be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as this Court must abstain from considering any such challenges in accordance with the *Younger* abstention doctrine.

On November 3, 2020, Plaintiff Davis filed an Objection in which he acknowledges his understanding that he is not entitled to monetary relief. (Doc. 12, at 1.) He, however, argues he is innocent of the pending charges, the evidence is insufficient to support a conviction, and there is no basis for his continued confinement or prosecution. (*Id.*, at 1-3.) As discussed in the Recommendation (Doc. 11), this Court abstains from considering any challenges to pending state court proceedings.

After careful review and consideration of the Objection, and upon independent review of the Recommendation of the Magistrate Judge and file in this case, it is

ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. 11) be and is hereby ADOPTED.
2. The Objection (Doc. 12) be and is hereby OVERRULED.
3. Plaintiff's 42 U.S.C. § 1983 claims against the Defendants be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
4. Plaintiff's challenges to the veracity and sufficiency of the evidence in his pending state criminal cases and his request for dismissal of those cases be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as this Court must abstain from considering any such challenges in accordance with the *Younger* abstention doctrine.
5. This case be dismissed prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DONE, this 18th day of November, 2020.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE