

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

DONALD EDWARD HAVENS

PLAINTIFF

v.

No. 3:15-cv-355-DPM

GARY HENRY, Detective; and
TRUMANN POLICE DEPARTMENT

DEFENDANTS

ORDER

Havens brings this § 1983 action alleging the defendants violated his rights when they arrested him a few months ago. *No. 2 at 4-5*. But Havens's claims are connected to a state criminal proceeding — *State v. Donald Edward Havens*, No. 56CR-15-217. *No. 2 at 7-9*. A review of the state docket shows the criminal case is still pending. This Court must therefore abstain from proceeding with Havens's federal case. The criminal case against Havens is ongoing; the State has an important interest in enforcing its criminal laws; and Havens can raise his constitutional claims during the state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1249 (8th Cir. 2012). Further, there's no sign of bad faith, harassment, or other extraordinary circumstances that would make abstention inappropriate. *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423, 435 (1982).

Havens is seeking money damages; and he isn't asking this Court to declare a state statute unconstitutional to award those damages. Thus, dismissal isn't appropriate. Instead, the Court directs the Clerk to stay this case. *Yamaha Motor Corp., U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999). Either party may file a motion to lift the stay within sixty days after final disposition of the state court action, including any appeal. If neither party does so by 7 November 2016, then the stay will be lifted and the case dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

6 November 2015