

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

**CHRISTOPHER JONES**

**PLAINTIFF**

**v.**

**No. 3:16-cv-83-DPM**

**D. BOYKINS, Sergeant, Marked Tree Police  
Department, and JERRY LUNG, Chief,  
Marked Tree Police Department,  
both in their Individual and Official Capacities**

**DEFENDANTS**

**ORDER**

1. Motion to proceed *in forma pauperis*, No 5, granted. Jones must pay the filing fee, but over time. 28 U.S.C. § 1915(b). Jones's custodian must collect an initial partial filing fee of \$1.49 from Jones's prison trust account and forward it to the Clerk of Court. After the initial fee is collected, Jones's custodian must collect monthly payments each time the amount in Jones's account exceeds \$10.00. These payments will be equal to 20% of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of Court until the \$350.00 filing fee is paid in full. The payments forwarded on Jones's behalf must be clearly identified by the name and number assigned to this action. The Court directs the Clerk to send a copy of this Order to the Sheriff of Poinsett County Detention Center, 1500 Justice Drive, Harrisburg, Arkansas 72432.

2. The Court must screen Jones's complaint. 28 U.S.C. § 1915A. Jones is in jail awaiting trial on state charges. *No 2 at 3-4*. He says Boykins lied on the police report that resulted in his arrest.

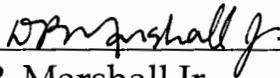
The Court must abstain from proceeding with Jones's federal case because the criminal charges pending against Jones are ongoing, the state clearly has an important interest in enforcing its criminal laws, and Jones may raise his constitutional claims during his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971). Further, there's no indication of bad faith, harassment, or any other extraordinary circumstances that would make abstention inappropriate. *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1254 (8th Cir. 2012). This case will therefore be stayed until there is a final disposition of Jones's pending state charges. *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007); *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999).

\* \* \*

This case is stayed pending disposition of Jones's state case. Jones must file a motion to reopen this case within sixty days of the final disposition of his state case, including any appeal. If he doesn't file a timely motion to

reopen or a status report by 1 June 2017, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
\_\_\_\_\_  
3 June 2016