

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

DUSTIN BRAWLEY

PLAINTIFF

v.

No. 3:16-cv-108-DPM

JERRY LUNG, Marked Tree Chief of Police

DEFENDANT

ORDER

1. The Court notes and appreciates Brawley's update, *No 14*.
2. The Court must abstain from proceeding with this federal case because the criminal charges pending against Brawley are ongoing, the state has an important interest in enforcing its criminal laws, and Brawley 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 Brawley'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).

3. This case is stayed. Brawley can move to reopen this case after final disposition of his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Brawley doesn't file a timely motion to reopen or a status report by 31 July 2017, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

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

29 July 2016