

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

CLESTER BILLS

PLAINTIFF

v.

No. 3:16-cv-197-DPM

CHARLES FINKENBINDER, Deputy
Prosecuting Attorney, Jonesboro

DEFENDANT

ORDER

1. Motions to proceed *in forma pauperis*. No 5 & 6, granted. Bills must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court won't assess an initial partial filing fee because Bills can't afford to pay one. But his custodian must collect monthly payments from Bills's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Bills's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this order to the Sheriff of Mississippi County, Mississippi County Detention Center, 685 NCR 599, Luxora, Arkansas 72358.

3. Bills is in jail awaiting trial on state criminal charges. He believes Deputy Prosecutor Finkenbinder is violating his speedy trial rights. The Court must abstain from proceeding with Bills's federal case, though, because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Bills 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 must, therefore, be put on hold until there's a final disposition of Bills'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. Bills 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 Bills doesn't file a timely motion to reopen or a status report by 31 August 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

31 August 2016