

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

RANDY WILLIAMS, JR.

PLAINTIFF

v.

No. 3:17-cv-28-DPM

ROSS THOMPSON, Chief, Blytheville
Police Department CID Detective

DEFENDANT

ORDER

1. Motion to proceed *in forma pauperis*, No. 1, granted. Williams 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 Williams can't afford to pay one. But his custodian must collect monthly payments from Williams'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 Williams'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 Mississippi County Sheriff at the Mississippi County Detention Center, 685 NCR 599, Luxora, Arkansas, 72358.

3. Williams is in jail awaiting trial on state criminal charges. Williams sues for false arrest, slander, and false imprisonment. *No 2 at 4*. The Court must abstain from proceeding with Williams's federal case, though, because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Williams 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 Williams'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. Williams 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 Williams doesn't file a timely motion to reopen or a status report by 3 March 2018, 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

3 March 2017