

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

TRAVIS STEVEN COTTON

PLAINTIFF

v.

No. 3:17-cv-269-DPM

RON HUNTER, Poinsett County Judge,  
CHAD HENDSON, Trumann Police  
Department, KEVIN MOULEER, Sheriff,  
Poinsett County, MICHEAL MATTLOCK,  
Officer, Marked Tree Police Department,  
MARKED TREE POLICE DEPARTMENT

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No 1, granted. Cotton 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 Cotton can't afford to pay one. No 4. But his custodian must collect monthly payments from Cotton'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 Cotton'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 Administrator of the Poinsett County Detention Center, 1500 Justice Drive, Harrisburg, Arkansas 72432.

3. The Court must screen Cotton's complaint. *No 2*; 28 U.S.C. § 1915A. Cotton alleges that he was arrested without probable cause and is being unlawfully detained on charges in an ongoing state criminal proceeding. He seeks damages. *No 2*. The Court must abstain from proceeding with Cotton's federal case because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Cotton 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 Cotton'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. Cotton 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 Cotton doesn't file a timely motion to reopen or a status report by

11 October 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

12 October 2017