

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

DESHON LADON MARTIN
ADC #657914

PLAINTIFF

v.

No. 4:16-cv-524-DPM

RODRIQUEZ, Patrol Officer, NLRPD,
MAYNARD, Patrol Officer, NLRPD,
MOSS, Detective, NLRPD

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No 1, granted. Martin must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court assesses an initial partial filing fee of \$16.23. After the initial fee is collected, Martin's custodian must collect monthly payments from Martin'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 Martin's behalf must be clearly identified by the case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Sheriff for the Pulaski County Detention Center, 3201 West Roosevelt Road, Little Rock, Arkansas 72204.

3. The Court must screen Martin's complaint. 28 U.S.C. § 1915A. Martin says he's being falsely imprisoned. North Little Rock Police came to his house after a domestic violence call and found drug paraphernalia. Martin was arrested; and the charges against him are still pending in state court.

The Court must abstain from proceeding with Martin's federal case because the criminal charges pending against him are ongoing, the state has an important interest in enforcing its criminal laws, and Martin 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 Martin'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 Martin's state case. Martin 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 Martin 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