

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**PARNELL R. MAY
#22568-16**

PLAINTIFF

v.

CASE NO. 4:21-CV-00196-BSM

ASA HUTCHINSON

DEFENDANT

ORDER

Parnell May's motion to proceed *in forma pauperis* [Doc. No. 1] is granted, but he must pay the full filing fee of \$350. His motion for due process [Doc. No. 4] is denied as moot.

The Court does not assess an initial partial filing fee. May's custodian shall withdraw monthly payments in the amount of twenty percent of the preceding month's income credited to his account each time the account exceeds \$10 until the statutory fee has been paid in full. 28 U.S.C. § 1915(b)(2). The clerk is directed to send a copy of this order the Administrator of the Pulaski County Detention Center, 3201 West Roosevelt Road, Little Rock, Arkansas 72204.

May's incarceration triggers automatic screening of his complaint. *See* 28 U.S.C. § 1915A. May points out that the Arkansas Supreme Court suspended criminal jury trials as a result of COVID-19. May claims Arkansas Governor Asa Hutchinson violated May's right to a speedy trial by not finding a way to safely conduct criminal jury trials during the pandemic; he seeks damages and injunctive relief. Doc. Nos. 2, 3. This Court must abstain from proceeding with May's federal claims while his state criminal case, *State v. May*, 60CR-

20-3852, is ongoing. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971).

This case is stayed and administratively terminated. May can move to reopen this case after final disposition of his state criminal case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If May doesn't file a timely motion to reopen or a status report by October 27, 2021, then the case will be reopened and dismissed without prejudice.

IT IS SO ORDERED this 28th day of April, 2021.


UNITED STATES DISTRICT JUDGE