

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

MARTEZ JARRETT

PLAINTIFF

v.

No. 4:22-cv-749-DPM

**BOBBY L. GROSSER, Patrol
Officer, North Little Rock Police
Department; DOE, Unknown
Superior Patrol Officer, NLRPD**

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, *Doc. 1*, is granted. The Court assesses an initial partial filing fee of \$108.00. Jarrett's custodian must collect the partial filing fee and thereafter, monthly payments from Jarrett'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 Jarrett's behalf must be clearly identified by the case name and case number.

2. Jarrett states, and the Court has confirmed, that he is now housed at the Ouachita River Unit of the Arkansas Division of Correction. *Doc. 2 at 3*. The Court directs the Clerk to update Jarrett's

mailing address on the Court's docket and to send a copy of this Order to three addressees:

- the ADC Compliance Office, P.O. Box 20550, Pine Bluff, AR 71612;
- the ADC Trust Fund Centralized Banking Office, P.O. Box 8908, Pine Bluff, AR, 71611; and
- the Warden of the Ouachita River Unit of the Arkansas Division of Correction, 100 Walco Lane, Malvern, AR 72104

3. The Court must screen Jarrett's § 1983 complaint. *Doc. 2*; 28 U.S.C. § 1915(e). He has sued two patrol officers, alleging they racially profiled and stopped him because of his race and the quality of car he was driving. His car was searched and seized, and he was convicted of possessing drugs and firearms. *State v. Jarrett*, 60-CR-21-3649. His appeal of those convictions remains pending. Jarrett seeks the return of \$4,018, his car, and damages.

In a state forfeiture action, an agreed order was issued returning \$2,000 to Jarrett but forfeiting his car and the remaining \$2,018. *State v. \$4,018 in U.S. Currency, 2011 Mercedes C300*, 60-CV-21-4092. Here, any due process claim fails because Jarrett's post-deprivation remedy to address the loss was the forfeiture action. *See Hudson v. Palmer*, 468 U.S. 517, 533 (1984). And, because this Court will not undertake appellate review of the decisions of a state court, his current requested relief—

the return of the seized property—is barred by the *Rooker-Feldman* doctrine. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005); *see also Skinner v. Switzer*, 562 U.S. 521, 531-32 (2011).

The Court must abstain from proceeding with Jarrett’s racial profiling allegation because the criminal case is ongoing in the appellate courts. *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 608 (1975). Arkansas has an important interest in enforcing its criminal laws, and Jarrett may well have raised his constitutional claims in his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Mounkes v. Conklin*, 922 F. Supp. 1501, 1510-13 (D. Kansas 1996). Further, Jarrett hasn’t alleged 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). His claims must therefore be put on hold until there’s a final disposition of his pending state charges. *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999).

* * *

The Court directs the Clerk to stay and administratively terminate this case. Jarret can move to reopen this case after final disposition of his state cases, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Jarrett doesn’t file a timely motion to reopen or a status report by 30 July 2023, 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

16 September 2022