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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
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10 JERMOND CHRISTOPHER DAVIS, ) NO. CV 16-6861-JAK (AGR)  
11 Petitioner, )  
12 v. ) ORDER TO SHOW CAUSE  
13 THE PEOPLE OF THE STATE OF )  
14 CALIFORNIA, )  
15 Respondent. )  
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17 For the reasons discussed below, the Court orders Petitioner to show cause,  
18 on or before **November 3, 2016**, why the Court should not recommend dismissal  
19 of the petition based on what is commonly called *Younger* abstention.  
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21 I.

22 **SUMMARY OF PROCEEDINGS**

23 On September 13, 2016, Petitioner filed a petition for writ of habeas corpus  
24 pursuant to 28 U.S.C. § 2254. Petitioner is a pretrial county jail detainee awaiting  
25 trial on aggravated assault charges pending in Los Angeles County Superior  
26 Court case number BA444981. (Petition at 2.)

27 Petitioner lists the following grounds for relief: (1) arrest without a valid  
28 warrant; (2) “no Miranda decision was issued”; and (3) malicious prosecution, in

1 that the prosecutor was “well aware” that Petitioner was arrested without a valid  
2 warrant. (Petition at 5-6.)

3 II.

4 **DISCUSSION**

5 “As an exercise of judicial restraint, . . . federal courts elect not to entertain  
6 habeas corpus challenges to state court proceedings until habeas petitioners  
7 have exhausted state avenues for raising [a] federal claim.” *Carden v. Montana*,  
8 626 F.2d 82, 83 (9th Cir. 1980). “Only in cases of proven harassment or  
9 prosecutions undertaken by state officials in bad faith without hope of obtaining a  
10 valid conviction and perhaps in other extraordinary circumstances where  
11 irreparable injury can be shown is federal injunctive relief against pending state  
12 prosecutions appropriate.” *Perez v. Ledesma*, 401 U.S. 82, 85 (1971); see also  
13 *Younger v. Harris*, 401 U.S. 37, 44-45 (1971) (in general, federal court should not  
14 interfere with ongoing state proceedings).

15 Abstention from interference with pending state judicial proceedings is  
16 required if the proceedings are ongoing, implicate important state interests, and  
17 afford an adequate opportunity to raise federal questions. *Middlesex County*  
18 *Ethics Comm’n v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982). Here, all of  
19 the prerequisites to *Younger* abstention have been met. *Younger* involved  
20 criminal proceedings. The proceedings are ongoing. Petitioner’ claims here  
21 involve California’s important interest in the order and integrity of its criminal  
22 proceedings. See *Kelly v. Robinson*, 479 U.S. 36, 49 (1986) (“the States’ interest  
23 in administering their criminal justice systems free from federal interference is one  
24 of the most powerful of the considerations that should influence a court  
25 considering equitable types of relief”). Finally, nothing prevents Petitioner from  
26 raising his federal claims in state court, either at the trial level or at the appellate  
27 level. Therefore, *Younger* abstention is appropriate.

1           Petitioner has not demonstrated any "special" or "extraordinary" circumstance  
2 based upon which the Court should entertain the petition. Nor does any  
3 exception to *Younger* apply. An exception requires Petitioner to show he would  
4 suffer "irreparable harm" that is both "great and immediate" if the federal court  
5 declines jurisdiction, that there is bad faith or harassment on the part of California  
6 in prosecuting him, or that the state tribunal is biased against the federal claim.  
7 See *Middlesex*, 457 U.S. at 437; *Kugler v. Helfant*, 421 U.S. 117, 124-25 (1975);  
8 *Younger*, 401 U.S. at 46. Petitioner contends that the prosecution knows that  
9 Petitioner was arrested without a valid warrant, but he does not support this  
10 contention.

11                               **III.**

12                               **ORDER**

13           IT IS THEREFORE ORDERED that, on or before **November 3, 2016**,  
14 Petitioner shall show cause why the Court should not abstain from entertaining  
15 the petition. If Petitioner does not timely respond to this Order to Show Cause,  
16 the Court will recommend that the petition be dismissed without prejudice based  
17 on abstention.

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19 DATED: October 3, 2016

  
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ALICIA G. ROSENBERG  
United States Magistrate Judge