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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKEY B. DeLONEY,

Plaintiff,

No. CIV S-10-1849 GGH P

vs.

JOHN R. RODRIGUEZ,

Defendant.

ORDER

_____ /

Plaintiff, a county inmate proceeding pro se has filed an action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee.

Plaintiff states that his defense attorney is ineffective. Based on plaintiff’s brief complaint, it appears that petitioner is attempting to challenge ongoing criminal proceedings against him.¹ Principles of comity and federalism weigh against a federal court interfering with ongoing state criminal proceedings by granting injunctive or declaratory relief absent extraordinary circumstances. Younger v. Harris, 401 U.S. 37, 43-54 (1971). Petitioner has not

_____ ¹ Plaintiff has previously filed two similar actions concerning his displeasure with his appointed counsel that were dismissed. See No. CIV S-09-0073 WBS DAD; No. CIV S-09-0757 JAM DAD.

1 demonstrated the existence of extraordinary circumstances that warrant interference in the
2 ongoing state criminal proceedings. Accordingly, petitioner is ordered to show cause why this
3 action should not be dismissed pursuant to the Younger abstention doctrine described above.

4 In accordance with the above, IT IS HEREBY ORDERED that within fourteen
5 days of the date of service of this order, petitioner shall show cause why this action should not be
6 dismissed pursuant to the Younger abstention doctrine.

7 DATED: August 3, 2010

8 /s/ Gregory G. Hollows

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10 _____
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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