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

FRED DELBERT HARRINGTON,

Plaintiff,

No. CIV S-11-2899 WBS GGH P

vs.

AMY BABBITTS, Public Defender,

Defendant.

ORDER TO SHOW CAUSE

_____ /

Plaintiff, a pretrial detainee, proceeds pro se and seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff is in custody in Shasta County Jail awaiting trial. Plaintiff states that his court appointed attorney is not properly doing her job and failing to properly investigate the case. Plaintiff seeks an injunction and different counsel.

Plaintiff is attempting to challenge ongoing criminal proceedings against him. 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). Plaintiff has not demonstrated the existence of extraordinary circumstances that warrant interference in the ongoing state criminal proceedings. Accordingly, petitioner is ordered to show cause why this action should not be dismissed pursuant to the Younger abstention doctrine described above.

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Accordingly, IT IS HEREBY ORDERED that within 21 days plaintiff show cause why this action should not be dismissed pursuant to the Younger abstention doctrine.

DATED: November 29, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
harr2899.osc