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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YEVGENIY N. SOROKIN,
Petitioner,
v.
THE PEOPLE,
Respondent.

No. 2:22-cv-02178-KJM-EFB (HC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner commenced this action while confined to a county jail as a pretrial detainee. He proceeds without counsel and seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ As discussed below, the court will recommend that the petition be dismissed. *See* Rule 4, Rules Governing § 2254 Cases (requiring summary dismissal of habeas petition if, upon initial review by a judge, it plainly appears “that the petitioner is not entitled to relief in the district court”).

Petitioner alleges that he is awaiting trial on charges of domestic violence. ECF No. 1 at 4, 5. His grounds for relief are unclear. *See id.* at 2-3 (alleging identity fraud, kidnapping, and child custody rights). Regardless, the court must abstain from considering any challenge to petitioner’s arrest and custody while his state proceedings are active. *See Younger v. Harris*, 401

¹ On February 17, 2023, the court recommended that this action be dismissed because petitioner had neither paid the filing fee nor sought leave to proceed in forma pauperis. ECF No. 5. Petitioner subsequently filed a request for leave to proceed in forma pauperis and that request is granted. Accordingly, the February 17, 2023 findings and recommendations are withdrawn.

1 U.S. 37 (1971). Under *Younger*, federal courts may not enjoin pending state criminal proceedings
2 except under extraordinary circumstances. *Id.* at 49, 53. *Younger* abstention prevents a court
3 from exercising jurisdiction when three criteria are met: 1) there are ongoing state judicial
4 proceedings; 2) an important state interest is involved; and 3) there is an adequate opportunity to
5 raise the federal question at issue in the state proceedings. *H.C. ex rel. Gordon v. Koppel*, 203
6 F.3d 610, 613 (9th Cir. 2000). Without question, state criminal proceedings implicate important
7 state interests, and California state courts provide an adequate forum in which petitioner may
8 pursue his claims regarding his pending charges.


9 Accordingly, IT IS ORDERED that:

- 10 1. Petitioner’s application for leave to proceed in forma pauperis (ECF No. 7) is granted;
11 and
12 2. The February 17, 2023 findings and recommendations (ECF No. 5) are withdrawn.

13 Further, IT IS RECOMMENDED that petitioner’s application for a writ of habeas corpus
14 be dismissed.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
17 after being served with these findings and recommendations, any party may file written
18 objections with the court and serve a copy on all parties. Such a document should be captioned
19 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
20 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
21 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
22 his objections petitioner may address whether a certificate of appealability should issue in the
23 event he files an appeal of the judgment in this case. *See* Rule 11, Federal Rules Governing
24 § 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a
25 final order adverse to the applicant).

26
27 Dated: June 1, 2023.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE