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

CAREY L. JOHNSON,

Plaintiff,

No. C 08-05456 JSW

v.

ROBERT SOOHOO, et al.,

ORDER STAYING ACTION

Defendants.

Plaintiff Carey L. Johnson (“Johnson”) and Defendants request that this Court stay this matter pending the conclusion of related state criminal proceedings against Johnson pursuant to the *Younger* doctrine. In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court espoused a strong federal policy against federal-court interference with pending state judicial proceedings, absent extraordinary circumstances. See *H.C. v. Koppel*, 203 F.3d 610, 613 (9th Cir. 2000); *Middlesex County Ethics Committee v. Garden*, 457 U.S. 423, 431 (1982). “The policy rests of notions of comity and respect for state functions.” *Champion Int’l Corp. v. Brown*, 731 F.2d 1406, 1408 (9th Cir. 1984). These considerations of comity and federalism dictate that “the normal thing to do when federal courts are asked to enjoin pending proceedings in state court is not to issue such injunctions.” *Ohio Civil Rights Commission v. Dayton Christian Schools, Inc.*, 477 U.S. 619, 627 (1986) (quoting *Younger*, 401 U.S. at 45) (emphasis in original). “Abstention is required when: ‘(i) the state proceedings are ongoing; (ii) the proceedings implicate important state interests; and (iii) the state proceedings provide an adequate opportunity to raise federal questions.’” *Delta Dental Plan of California, Inc. v. Mendoza*, 139 F.3d 1289, 1294 (9th Cir. 1998) (internal citations and quotations omitted).

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In light of the requests from both parties, the Court finds the requirements of the Younger doctrine are satisfied here and that staying this matter pending the conclusion of the state criminal proceedings against Johnson is warranted. Therefore, the Court HEREBY STAYS this action. The Court STRIKES Defendants' motion to dismiss without prejudice to refiling a motion to dismiss, if necessary, once the state criminal proceedings have concluded. The Court FURTHER ORDERS the parties to submit status reports regarding the state court proceedings every 120 days until the stay in this case is lifted.

IT IS SO ORDERED.

Dated: August 10, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 CAREY L. JOHNSON,
6 Plaintiff,

Case Number: CV08-05456 JSW

7 **CERTIFICATE OF SERVICE**

8 v.


9 ROBERT SOOHOO, et al,
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
12 District Court, Northern District of California.

13 That on August 10, 2009, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
16 inter-office delivery receptacle located in the Clerk's office.

17 Carey L. Johnson
18 3150 Hilltop Mall Road
19 Richmond, CA 94806

20 Dated: August 10, 2009


21 Richard W. Wieking, Clerk
22 By: Jennifer Ottolini, Deputy Clerk
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