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

MICHAEL B. WILLIAMS,)	No. C 09-3642 MMC (PR)
Petitioner,)	ORDER OF DISMISSAL
v.)	
PAM AHLIN, Executive Director, Coalinga State Hospital,)	
Respondent.)	

On July 22, 2009, petitioner, a civil detainee confined at Coalinga State Hospital and awaiting civil commitment proceedings, filed the above-titled petition for a writ of habeas corpus¹ pursuant to 28 U.S.C. § 2241.² Petitioner is proceeding pro se and has paid the filing fee.

According to the allegations in the petition, on December 6, 2000, the State of California filed a petition to begin civil commitment proceedings against petitioner as a sexually violent predator (“SVP”) pursuant to California’s Sexually Violent Predators Act (“SVPA”). See Cal. Welfare & Inst. Code (“WIC”) §§ 6600, et seq. Thereafter, a probable cause hearing was held on the petition in the San Francisco Superior Court (“Superior

¹Petitioner filed his petition in the United States District Court for the Eastern District of California. By order filed July 30, 2009, the case was transferred to the Northern District and assigned to Judge Susan Illston. On November 3, 2009, the case, in accordance with the Northern District’s Assignment Plan, was reassigned to the undersigned in view of petitioner’s prior pro se actions having been so assigned.

²The petition is properly brought under 28 U.S.C. § 2241(c)(3), which provides habeas corpus jurisdiction over any person held in custody in violation of the Constitution or laws or treaties of the United States. See 28 U.S.C. § 2241(c)(3).

1 Court”). On December 18, 2002, the Superior Court found probable cause existed to hold
2 petitioner for civil commitment proceedings under the SVPA. (See Attachment to form
3 petition at 2:25.) The matter was set for trial but was continued several times on motion of
4 both petitioner and the California Attorney General’s Office. Before trial commenced,
5 petitioner moved for a new probable cause hearing. According to the petition, on either
6 December 16, 2005 (see id.) or May 26, 2006 (see id. at 6:6), the Superior Court again found
7 probable cause existed to hold petitioner for civil commitment proceedings under the SVPA.
8 Since that time, several motions to continue petitioner’s jury trial have been granted and,
9 according to the allegations in the petition, no jury trial has yet been held on the matter of
10 petitioner’s civil commitment as an SVP.

11 On an undisclosed date, petitioner filed a motion in the Superior Court to dismiss the
12 SVP petition, on grounds that his counsel was ineffective for failing to file a pre-trial motion
13 to dismiss the petition as violating the Equal Protection Clause. The Superior Court denied
14 the motion and petitioner then filed in the California Court of Appeal a state habeas corpus
15 petition on the same ground. On March 18, 2009, the California Court of Appeal summarily
16 denied petitioner’s habeas petition, as did the California Supreme Court on June 24, 2009.
17 Petitioner then filed the instant petition pursuant to 28 U.S.C. § 2241, claiming ineffective
18 assistance of counsel for the same reason asserted in state court, and that the regulations used
19 to declare an individual an SVP are invalid, in violation of due process.

20 Under principles of comity and federalism, a federal court should not interfere with
21 ongoing state criminal proceedings by granting injunctive or declaratory relief absent
22 extraordinary circumstances. See Younger v. Harris, 401 U.S. 37, 43-46 (1971); see also
23 Carden v. Montana, 626 F.2d 82, 84 (9th Cir.1980) (applying Younger to habeas petition
24 challenging state pretrial proceedings). The policies underlying Younger abstention are fully
25 applicable to noncriminal judicial proceedings when important state interests are involved,
26 and when the state proceedings afford an adequate opportunity to raise constitutional claims.
27 See Middlesex County Ethics Comm. v. Garden State Bar Ass’n, 457 U.S. 423, 432 (1982);
28 id. at 434-37 (finding Younger abstention applicable to state bar disciplinary proceedings

1 where important state interest of regulating attorney conduct involved, constitutional claims
2 could be addressed in state proceedings, and no extraordinary circumstances warranted
3 federal intervention).

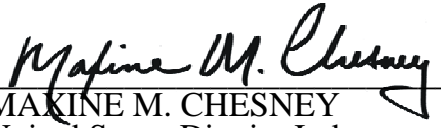
4 Here, petitioner is in custody awaiting the completion of state civil commitment
5 proceedings that will determine whether he will be sentenced to a term of confinement under
6 the SVPA. Applying the principles discussed in Middlesex, the Court finds Younger
7 abstention is applicable to the proceedings pending against petitioner. In particular, the
8 proceedings are judicial in nature,³ they involve important state interests concerning the
9 state's regulation of sexually violent offenders, and they afford petitioner an opportunity to
10 raise his constitutional claims. Moreover, petitioner has made no showing that extraordinary
11 circumstances exist that would require federal intervention. See Younger, 401 U.S. at 46
12 (holding extraordinary circumstances exist when there is danger of great and immediate
13 irreparable loss; holding cost, anxiety and inconvenience of defending against good-faith
14 criminal prosecution not extraordinary circumstance requiring federal intervention); see also
15 Carden, 626 F.2d at 84 (holding federal intervention appropriate only under "special
16 circumstances," such as proven harassment, bad faith prosecution, or other extraordinary
17 circumstances resulting in irreparable injury).

18 Accordingly, the petition is hereby DISMISSED. The dismissal is without prejudice
19 to petitioner's filing a new federal habeas petition once his state civil commitment
20 proceedings are completed and he has exhausted his state court remedies as to all claims he
21 wishes to raise in federal court.

22 The Clerk shall close the file.

23 IT IS SO ORDERED.

24 DATED: November 13, 2009

25 
26 MAXINE M. CHESNEY
27 United States District Judge

28 ³The Superior Court presides over commitment proceedings, and individuals facing
commitment are entitled to a jury trial and the appointment of counsel. See WIC §§ 6601,
6603.