

1 granted," or "seeks monetary relief from a defendant who is immune from such
2 relief." Id. § 1915A(b). Pro se pleadings must be liberally construed. Balistreri
3 v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

4 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two
5 elements: (1) that a right secured by the Constitution or laws of the United States
6 was violated, and (2) that the alleged violation was committed by a person acting
7 under the color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

8 B. Legal Claims

9 The court must abstain and dismiss plaintiff's request for injunctive relief
10 because it is well-settled that a federal court may not interfere with ongoing state
11 criminal proceedings by granting injunctive or declaratory relief. See Younger v.
12 Harris, 401 U.S. 37, 43-54 (1971). There may be an exception to Younger
13 abstention upon a showing of the state's bad faith or harassment, or a showing
14 that the statute challenged is "flagrantly and patently violative of express
15 constitutional prohibitions," id. at 46, 53-54; however, there is no such showing
16 or indication here. Plaintiff's request for injunctive relief must be dismissed. See
17 Judice v. Vail, 430 U.S. 327, 348 (1977) (district court must dismiss action for
18 declaratory or injunctive relief if it finds that Younger abstention is appropriate);
19 Beltran v. California, 871 F.2d 777, 782 (9th Cir. 1988) (same).

20 **CONCLUSION**

21 For the foregoing reasons, the case is DISMISSED under the authority of
22 28 U.S.C. § 1915A(b). The clerk is instructed to enter judgment in accordance
23 with this order and close the file.

24 SO ORDERED.

25 DATED: March 24, 2011

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28 CHARLES R. BREYER
United States District Judge