UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION (at Lexington)

| JAMMAL THOMAS, |) |
|----------------|-----|
| Plaintiff, |)) |
| v. |) |
| JACK GABRIEL, |) |
| Defendant. |) |
| |) |

Civil Action No. 5: 17-508-DCR

MEMORANDUM OPINION AND ORDER

*** *** *** ***

Inmate Jammal Thomas is currently confined at the Bourbon County Regional Detention Center in Paris, Kentucky. Proceeding without a lawyer, Thomas filed a civil rights complaint against Kentucky State Police Officer Jack Gabriel. [Record No. 1]. Thomas claims that, during a traffic stop, Officer Gabriel found drugs on his person by virtue of an illegal search and seizure in violation of his Fourth Amendment rights. [Record No. 1 at 3-4, 11-12]. While Thomas is still a pretrial detainee awaiting trial on related state criminal charges, he contends that he has already "suffered several losses" and, therefore, is seeking "recompensation" for his current situation. [Record No. 1 at 5].

The Court will dismiss, without prejudice, Thomas's Fourth Amendment claim against Officer Gabriel pursuant to the doctrine announced in *Younger v. Harris*, 401 U.S. 37 (1971). That doctrine provides that a federal court should generally abstain from interfering in an ongoing state court action that involves an important state interest, and provides an adequate opportunity to raise constitutional challenges. *See Fieger v. Cox*, 524 F.3d 770, 775 (6th Cir. 2008) (discussing

Younger abstention). Here, the state criminal case against Thomas is ongoing,¹ and that matter obviously involves an important state interest. Further, Thomas has the opportunity to raise challenges to the charges against him during that criminal proceeding. Therefore, this Court will abstain from interfering in Thomas's criminal case, just as it "has abstained from meddling in . . . [other] state court criminal actions." *Stevenson v. Motors*, No. 5: 16-cv-421-KKC, 2017 WL 512750, *3 (E.D. Ky. 2017) (collecting cases). Accordingly, it is hereby

ORDERED as follows:

1. Thomas's Fourth Amendment claim against Officer Gabriel is **DISMISSED**, without prejudice.

2. This action is **DISMISSED** and **STRICKEN** from the Court's docket.

3. A corresponding judgment will be entered this date.

This 2nd day of January, 2018.



Signed By: <u>Danny C. Reeves</u> DCR United States District Judge

¹ The Court takes judicial notice of the publically available docket sheet in *Commonwealth of Kentucky v. Jammal Thomas*, No. 17-CR-00055 (2017).