

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 16-cv-12614

v

JOHN ROY,¹

Defendants.

ORDER DISMISSING COMPLAINT

On July 13, 2016 John Roy filed what is titled as a “complaint.” *See* ECF No. 1. In the complaint, Roy sought an emergency order staying a sentencing proceeding that was to take place on July 14, 2016 in Michigan state court in Isabella County, arguing that the state court did not have jurisdiction over the criminal proceedings. Because Roy’s request sought emergency equitable relief it was construed as a request for a temporary restraining order under Federal Rule of Civil Procedure 65(b). *See* ECF No. 3. In denying the emergency request on July 14, 2016, the Court determined that Roy had not demonstrated that a “very unusual situation” exists such that the Court should interfere with his state criminal prosecution. *See Samuels v. Mackell*, 401 U.S. 66 (1971). This finding was based on a determination that Roy’s general challenge to the jurisdiction of state courts to hear criminal matters initiated under state laws was without merit. *See* U.S. Const. amend. X; *Bibb v. Navajo Freight Lines, Inc.*, 359 U.S. 520, 529, (1959) (exercises by the states of their police powers are entitled to a presumption of validity when challenged).

¹ This matter was initiated by John Roy, who is thus the Plaintiff in this matter. The case caption as provided by Roy reflects the caption of his criminal proceedings in state court, except that in those proceedings he is named as John Roy Bendele.

The general claim that state courts lack jurisdiction to prosecute individuals under state criminal laws is the sole claim raised by Roy in his complaint. Because this claim is without merit, Roy's complaint will be dismissed.

Accordingly, it is **ORDERED** that Roy's complaint, ECF No. 1, is **DISMISSED with prejudice**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 28, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 28, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager