## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re DAVID J. SCOTT,		
		Case No. 07-15472
Petitioner,		
r cuttorici,		Hanarahla Nanay G. Edmunda
		Honorable Nancy G. Edmunds
	/	

## ORDER OF DISMISSAL

This matter comes before the Court on its own motion. Being fully advised in the premises, having read the pleadings, and for the reasons set forth below, the Court DISMISSES this matter.

On December 26, 2007, Petitioner filed a Petition for Removal seeking to remove to this Court two state court criminal matters pending in Livingston County District Court. On December 13, 2007, in Case No. 07-6003-FY, Petitioner was charged in state court with possession of a controlled substance with intent to deliver in violation of Mich. Comp. Laws § 333.74012A4. On that same date, in Case No. 07-6249-SD, Petitioner was charged in state court with operating a vehicle with the presence of a controlled substance in violation of Mich. Comp. Laws § 257.6258. Bond was set at \$200,000 cash/surety. At the time he filed his Petition for Removal, Petitioner was unable to post bond and thus remained in the Livingston County jail. Petitioner requests that this Court enter an order staying the pending state-court criminal matters and remove them to this Court so that it can hold an evidentiary hearing and set a "reasonable" bond for Petitioner.

This matter is dismissed because (1) if construed as a Petition for Removal, no

grounds exist for removal jurisdiction pursuant to 28 U.S.C. § 1446; and (2) if construed as

a complaint brought under 42 U.S.C. § 1983, application of the Younger abstention doctrine

counsels this Court to abstain from adjudicating this matter out of deference to ongoing

state criminal proceedings. See Younger v. Harris, 401 U.S. 37, 37-38 (1971). It is evident

from the pleadings that there are ongoing state criminal proceedings, that the criminal

proceedings implicate important state interests in enforcement of its criminal laws, and that

there is an adequate opportunity in the state proceedings for Petitioner to raise the

constitutional challenges implicated in his Petition. See Tindall v. Wayne County Friend of

the Court, 269 F.3d 533 (6th Cir. 2001).

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds

United States District Judge

Dated: February 4, 2008

I hereby certify that a copy of the foregoing document was served upon the parties and/or

counsel of record on February 4, 2008, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager

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