

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,

Plaintiff,

vs.

RICHARD KYLER,

Defendant.

8:14-CV-243

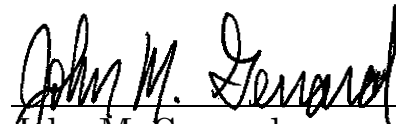
ORDER

This matter is before the Court on the plaintiff's motion (filing 67) to declare a search warrant illegal. That motion will be denied. The plaintiff's claim in this case arises out of his seizure by the defendant on August 8, 2014. See filing 1. The warrant the plaintiff moves the Court to invalidate is dated, and was apparently executed, on September 17, 2015. See filing 67. There is, therefore, no "relationship between the injury claimed in the party's motion and the conduct asserted in the complaint." See *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); see also *Owens v. Severin*, 293 F. App'x 425, 425 (8th Cir. 2008). Furthermore, a federal court should abstain from exercising jurisdiction over an ongoing state judicial proceeding. See *Younger v. Harris*, 401 U.S. 37 (1971); see also, e.g., *Norwood v. Dickey*, 409 F.3d 901, 903 (8th Cir. 2005). Therefore,

IT IS ORDERED that the plaintiff's motion (filing 67) is denied.

Dated this 14th day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge