

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SANDRA SOHO,)	CV 09-3001-CL
)	
Plaintiff,)	ORDER DENYING MOTION FOR
)	TEMPORARY RESTRAINING ORDER
v.)	
)	
STATE OF OREGON DEPARTMENT)	
OF JUSTICE; KLAMATH COUNTY)	
CIRCUIT COURT; JUDGE)	
ISAACSON; AND DOES I through)	
X, inclusive,)	
Defendant.)	

PANNER, Judge.

Plaintiff Sandra Soho seeks a temporary restraining order enjoining the Klamath County Circuit Court from proceeding with trial in a criminal matter "until the Klamath County Circuit Court appoints an attorney that will actual[ly] present a defense for SANDRA SOHO and provide the attorney with adquate time to prepare the defense for presentation." Soho further alleges that in Klamath County, Oregon, "[i]t is determined in advance which parties are guilty and they are forced to agree to prosecution's settlement offer [] or their court appointed counsel deliberately

[loses] the case by failing to present a proper defense or any defense at all." Soho wants attorney Charles Kochlacs to be appointed to represent her.

Very few circumstances justify a federal court enjoining a pending state criminal proceeding. See Younger v. Harris, 401 U.S. 37 (1971). Soho's concerns regarding her attorney's preparedness for trial and willingness to present a zealous defense can and should be addressed to the state court. The same is true of Soho's contention that certain state court judges should recuse themselves from hearing her criminal case.

Soho argues that she is unable to articulate her objections in the state court, because "Judge Isaacson has ORDERED that [Soho] NOT be able file anything in this case and that all pleadings in the case must be made by the court appointed attorney." If a judge of the Klamath County Circuit Court has in fact entered such an order, then that order should appear in the record of the state court proceedings. Soho could point to that order in any subsequent proceeding before the Oregon Court of Appeals or Oregon Supreme Court, or 28 U.S.C. § 2254 action.

IT IS SO ORDERED.

DATED this 5th day of January, 2009.



Owen M. Panner
OWEN M. PANNER
UNITED STATES DISTRICT JUDGE