

DEC 11 2009

DEPUTY CLERK

By: Hon. James C. Turk
Senior United States District Judge

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of Charlotte, Inc. v. Gilchrist, 887 F.2d 49, 52-53 (4th Cir. 1989). Moreover, the Anti-Injunction Act, 28 U.S.C. § 2283, expressly prohibits the court from enjoining the proceedings from which petitioner seeks relief. See Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587-88 & nn.2-4 (4th Cir. 1969) (federal courts may not issue writs of mandamus against state courts). “Congress and the federal courts have consistently recognized that federal courts should permit state courts to try state cases, and that, where constitutional issues arise, state court judges are fully competent to handle them subject to Supreme Court review.” Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1336 (8th Cir. 1975) (en banc). Therefore, the court finds that petitioner has state court remedies available to him, no extraordinary circumstances exist in this case, and the court may not interfere with ongoing state criminal proceedings. Accordingly, the court may not order petitioner’s requested relief, and the court dismisses the petition for a writ of habeas corpus without prejudice.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 10th day of December, 2009.



Senior United States District Judge