

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV 14 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ASHEP NETER EL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 12 1845

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. For the reasons stated below, the Court will grant the application and dismiss the complaint.

According to plaintiff, "THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA is in want of Jurisdiction regarding CASE NUMBER 2012CMD9394." Compl. at 2. He purports to remove the case to this court. *See id.* A defendant in "any civil action brought in a State court of which the district courts of the United States have original jurisdiction" may remove the action to a federal district court. 28 U.S.C. § 1441(a). Removal here is not appropriate for two reasons. First, the Superior Court action to which plaintiff refers is a criminal action, not a civil action.¹ Second, it is the well settled doctrine that federal courts should not enjoin or otherwise interfere with ongoing proceedings in the Superior Court. *See Younger v. Harris*, 401 U.S. 37, 45 (1971) ("[T]he normal thing to do when federal courts are asked to enjoin pending proceedings in state courts is not to issue such injunctions."); *JMM*

¹ According to the Superior Court docket, plaintiff has been charged with possession of a controlled substance, a misdemeanor, and that a non-jury trial is set for November 13, 2012.

Corp. v. District of Columbia, 378 F.3d 1117, 1120-22 (D.C. Cir. 2004) (applying *Younger* rule to proceedings in the District of Columbia); *Bannum, Inc. v. District of Columbia*, 433 F. Supp. 2d 1, 3 (D.D.C. 2006) (declining to intervene to vacate a Superior Court order).

An Order is issued separately.


United States District Judge

DATE: *October 28, 2012*