## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ALEXANDER BALLARD,	)		
TIBETA NOEK BITEBAKE,	)		
Plaintiff, v.	)	) Case: 1:16-cv-02093 Assigned To: Unassigned Assign. Date: 10/21/2016 Description: Pro Se Gen. Civil	(F-Deck)
UNITED STATES OF AMERICA,	`		Jury Demand
Defendant.	)		
	_ )		

## **MEMORANDUM OPINION**

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. It appears that plaintiff currently is detained at St. Elizabeth's Hospital for a competency examination by order of The Hon. Florence Y Pan, Associate Judge of the Superior Court of the District of Columbia. Generally, plaintiff challenges his pre-trial detention and objects to the treatment he is receiving. Among other relief, plaintiff demands monetary damages, release from custody, and dismissal of the criminal charges against him.

"[A] federal court may dismiss an action when there is a direct conflict between the exercise of federal and state jurisdiction and considerations of comity and federalism dictate that the federal court should defer to the state proceedings." *Hoai v. Sun Refining and Marketing Co., Inc.*, 866 F.2d 1515, 1517 (D.C. Cir. 1989) (citing *Younger v. Harris*, 401 U.S. 37, 43-45 (1971)). This is such an action. *See Miranda v. Gonzales*, 173 F. App'x 840 (D.C. Cir.) (per curiam) ("It is well-settled . . . that a court will not act to restrain a criminal prosecution if the moving party has an adequate remedy at law and will not suffer irreparable injury if denied

equitable relief.") (citation omitted), *cert. denied*, 549 U.S. 889 (2006); *see Smith v. Holder*, No. 14-131, 2014 WL 414292, at \*1 (D.D.C. Jan. 30, 2014), *aff'd*, 561 F. App'x 12 (D.C. Cir. June 16, 2014) (per curiam) (noting appellant's failure to "show[] that the district court erred in dismissing his challenge to pending District of Columbia criminal proceedings under the abstention doctrine of *Younger v. Harris*").

Given "the fundamental policy against federal interference with state criminal prosecutions" *Younger*, 401 U.S. at 46, the Court will dismiss this action. An Order accompanies this Memorandum Opinion.

DATE: /0/14/2016

United States District Judge