

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JULIAN L. RUSSELL,

Petitioner,

vs.

CIVIL ACTION
No. 11-3011-SAC

STATE OF KANSAS,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed by a pretrial detainee held in the Marion County Jail, Marion, Kansas. By its Memorandum and Order entered on February 15, 2011, the court directed petitioner to show cause why this matter should not be dismissed without prejudice under the abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971).

Petitioner filed a timely response, and the court has examined that pleading. Petitioner has not addressed the *Younger* doctrine, nor has he provided any grounds that might justify the intervention of this court in an ongoing state proceeding. The court remains convinced that petitioner has an adequate forum to address his claim that his detention is improper and concludes this matter should be dismissed without

prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice to allow petitioner to present his claims to the state courts.

IT IS FURTHER ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. 3) is granted.

IT IS FURTHER ORDERED petitioner's motion to appoint counsel (Doc. 5) is denied.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 10th day of May, 2011.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge