

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BONIFACE W. WABUYABO,

Plaintiff,

v.

CASE NO. 17-3207-SAC

KANSAS DEPARTMENT FOR CHILDREN
AND FAMILIES, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed by a detainee held in the Johnson County Adult Detention Center. On December 14, 2017, the Court directed plaintiff to submit a certified financial statement and to show cause why this matter should not be dismissed without prejudice due to pending criminal proceedings in the state courts related to the claims in this action. Plaintiff filed a response. The Court has examined the record and enters the following order.

First, because plaintiff failed to submit a certified financial statement as directed, the Court will deny his motion to proceed in forma pauperis.

Next, plaintiff's response offers no legal ground why this matter should not be dismissed without prejudice. As the Court's order of December 14 explained, under *Younger v. Harris*, 401 U.S. 37 (1971), a federal court should abstain from hearing a case where related state judicial proceedings are ongoing, those proceedings implicate important state interests, and the state proceedings offer the plaintiff an adequate opportunity to present the federal constitutional issues. As these criteria are met in this case, the

Court will dismiss this action without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS FURTHER ORDERED plaintiff's motion to proceed in forma pauperis (Doc. #3) is denied.

IT IS SO ORDERED.

DATED: This 18th day of January, 2018, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge