

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**JAMIE MANNING,**

**Plaintiff,**

**v.**

**CASE NO. 20-3176-SAC**

**WILLIAM VENNART, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

This matter is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff's Complaint alleges he was unlawfully arrested in violation of his Fourth Amendment rights. He raises this claim in connection with his pending prosecution in the District Court of Johnson County, Kansas (Case No. 19 CR 00389).

On February 8, 2021, the Court entered a memorandum and order to show cause (MOSC) (ECF No. 5) directing Plaintiff to show cause why the abstention doctrine prescribed by the U.S. Supreme Court in *Younger v. Harris* does not require the dismissal of his complaint. *See Younger v. Harris*, 401 U.S. 37, 45 (1971).

Plaintiff has filed a motion and a response to the MOSC, but neither of his filings address *Younger* abstention, let alone show good cause why the doctrine is not applicable to his Complaint. The motion (ECF No. 6) requests leave to file an amended complaint, but Plaintiff indicates the only change he wants to make is to add two defendants (the city of Overland Park and Johnson

County, Kansas). Adding defendants does not alter the fact that his claims are related to his pending state prosecution and require the Court's abstention.

Because (1) there is an ongoing state criminal, civil, or administrative proceeding, (2) the state court affords an adequate forum to hear the claims raised in the plaintiff's federal complaint, and (3) the state proceedings implicate important state interests, the Court is obligated to dismiss this action. *See Weitzel v. Div. of Occupational & Prof'l Licensing*, 240 F.3d 871, 875 (10<sup>th</sup> Cir. 2001).

**IT IS THEREFORE ORDERED** that this action is **dismissed** without prejudice for the reasons stated herein.

**IT IS FURTHER ORDERED** that all pending motions are **denied**.

**IT IS SO ORDERED.**

DATED: This 9<sup>th</sup> day of September, 2021, at Topeka, Kansas.

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