

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

AARON MICHAEL NOONAN,

Petitioner,

v.

CASE NO. 21-3172-SAC

DEREK WOODS,

Respondent.

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's petition for writ of habeas corpus, which he filed on August 2, 2021. (Doc. 1.) Petitioner is in pretrial custody at Riley County Jail and he asserts that he is being unlawfully detained, as there was insufficient evidence presented at the preliminary hearing to bind him over for trial. He asks the Court to review the preliminary hearing and determine whether the case against him should have proceeded.

After undertaking a preliminary review of the petition, the Court issued a notice and order to show cause (NOSC) explaining that under *Younger v. Harris*, 401 U.S. 37, 46 (1971), federal courts must abstain from exercising jurisdiction when the following conditions are met: "(1) there is an ongoing state criminal, civil, or administrative proceeding; (2) the state court provides an adequate forum to hear the claims raised in the federal complaint, and (3) the state proceedings involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies." *Winn v. Cook*,

945 F.3d 1253, 1258 (10th Cir. 2019). (Doc. 3.) The NOSC concluded that even liberally construing the petition in this case, as is appropriate since Petitioner is proceeding pro se, it appears that all three conditions are met. The Court therefore directed Petitioner to show cause, in writing, on or before September 6, 2021, why this matter should not be summarily dismissed without prejudice. The Court cautioned Petitioner that the failure to file a timely response would result in this matter being dismissed without further prior notice to Petitioner.

Petitioner has not filed a response to the NOSC or any other documents in this matter. The Court will therefore dismiss this matter without prejudice pursuant to the *Younger* abstention doctrine. The Court also concludes that its procedural ruling in this matter is not subject to debate among jurists of reason and declines to issue a certificate of appealability. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS THEREFORE ORDERED that the Petition is **dismissed without prejudice**. No certificate of appealability will issue.

IT IS SO ORDERED.

DATED: This 14th day of September, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW
U.S. Senior District Judge