

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

RALPH ARNOLD SMITH, JR.

PLAINTIFF

V.

CIVIL ACTION NO.4:12CV113-DAS

JAMES M. HOOD, III, et al.

DEFENDANTS

ORDER

Finding that it must abstain from interfering with the ongoing state criminal prosecution of the plaintiff on charges of capital murder, pursuant to the dictates of *Younger v. Harris*, 401 U.S. 37 (1971) and the Anti-Injunction Act, this court denies the plaintiff's motion for a preliminary injunction. The complaint shall be dismissed for the same reason.

IT IS ORDERED that the motion for a preliminary injunction is denied and the complaint is dismissed without prejudice.

SO ORDERED this the 17th day of January, 2013.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE