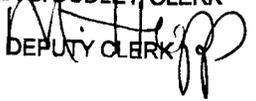


FILED
for Roanoke
DEC - 5 2013

JULIA C. DUDLEY CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JERMAINE C. TALFORD,
Petitioner,

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Civil Action No. 7:13-cv-00525

v.

MEMORANDUM OPINION

JERRY ALLEN WOLFE,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Jermaine C. Talford filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, while a pretrial detainee awaiting completion of criminal proceedings in the Circuit Court for the City of Bristol. Petitioner complained in the petition that the state court had not convened a pre-trial bond hearing for him, the state judge “signed off” on the pending criminal charges, the “court date” keeps being postponed, and the state court clerk who had access to evidence had a stroke and became disabled. Since filing this action, Petitioner has pleaded guilty to the criminal charges and has been sentenced, Commonwealth v. Talford, No. cr13000817-01 – 03 (Va. Cir. Ct. Nov. 4, 2013), and he is appealing to the Court of Appeals of Virginia, Talford v. Commonwealth, No. 1492-13-3 (Va. App. Ct. Aug. 12, 2013).

Absent extraordinary circumstances, which are not present in this case, I may not interfere with on-going state criminal proceedings. See, e.g., Younger v. Harris, 401 U.S. 37, 44 (1971). Furthermore, Petitioner’s claims about a pre-trial bond hearing and postponed court dates are moot, and Petitioner should first present any federal issue arising from the state proceedings to the Supreme Court of Virginia. Accordingly, the petition for a writ of habeas corpus is dismissed without prejudice and a certificate of appealability is denied.

ENTER: This 5th day of December, 2013.


Senior United States District Judge