

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GENNARO RAUSO : CIVIL ACTION
v. :
ANNE LAZARUS : NO. 94-6219

M E M O R A N D U M

LUDWIG, J.

OCTOBER 17, 1994

Plaintiff, a prisoner, has filed a pro se 42 U.S.C. § 1983 civil rights complaint against the judge who is presiding over his criminal case. Plaintiff alleges that the defendant has "personal animosity" toward him because of a lawsuit he filed against another judge. He seeks declaratory and injunctive relief prior to being sentenced by the defendant.

With his complaint, plaintiff filed a request for leave to proceed in forma pauperis. As it appears he is unable to pay the cost of commencing this action, leave to proceed in forma pauperis is granted. However, for the reason which follows, the complaint will be dismissed as frivolous pursuant to 28 U.S.C. § 1915(d).

In deference to the principles of comity and federalism, the Court will not interfere in the state criminal process absent a showing of irreparable injury, a "flagrant and patent" violation of an express constitutional prohibition, or other extraordinary circumstances warranting equitable relief. Younger v. Harris, 401 U.S. 37, 53-54 (1971). The facts alleged by plaintiff in this complaint do not meet these requirements.

An appropriate Order follows.

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GENNARO RAUSO

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CIVIL ACTION

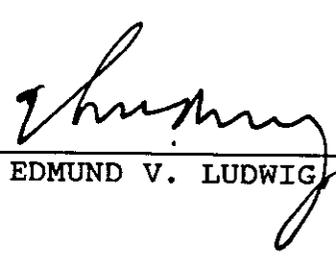
NO. 94-6219

O R D E R

AND NOW, this 17 day of October, 1994, since
it appears that plaintiff is unable to prepay the costs of
commencing this suit pursuant to 28 U.S.C. § 1915(a),

IT IS ORDERED that:

1. Leave to proceed in forma pauperis is GRANTED.
2. This complaint is DISMISSED as frivolous pursuant to
28 U.S.C. § 1915(d).



EDMUND V. LUDWIG J.