

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

ALLEN L. GEARY : CIVIL ACTION
v. :
COUNTY OF NORTHAMPTON, et al. : NO. 98-3781

MEMORANDUM AND ORDER

FULLAM, Sr.J. APRIL , 1999

Plaintiff in this *pro se* civil rights action claims that his criminal prosecution for weapons violations was politically motivated. Defendants Northampton County and the Northampton District Attorney and Sheriff's offices have moved for dismissal of the complaint. It is not entirely clear whether the criminal proceedings against plaintiff are still ongoing. If they are, this is a case for Younger abstention. See Younger v. Harris, 401 U.S. 37 (1971). And if the proceedings have terminated, §1983 -- pursuant to which plaintiff's cause of action presumably arises -- is not the proper vehicle for challenging the validity of a conviction. See Heck v. Humphrey, 512 U.S. 477 (1994). An Order follows.

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AND NOW, this day of April, 1999, IT IS ORDERED:

1. Defendants' motion to dismiss is GRANTED.
2. The complaint is DISMISSED WITH PREJUDICE.

Fullam, Sr.J.