

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

SONNY DAVIS,)	
)	
Petitioner,)	
)	
vs.)	CAUSE NO. 3:17CV558-PPS
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Sonny Davis, a prisoner without a lawyer, filed another habeas corpus petition attempting to challenge his convictions and 50 year sentence on February 28, 2003, by the Marion Superior Court under cause number 49G01-0208-FA-211427. Davis did not answer question 6 on the form which asked him if he had previously filed a federal challenge to this conviction. ECF 1 at 2. Nevertheless, he cannot conceal that Judge Lozano dismissed his prior petition without prejudice on March 21, 2017, and denied his motion to reconsider on June 21, 2017. *Davis v. Superintendent*, 3:17-CV-169 (N.D. Ind. filed February 24, 2017). In those orders, he was told that his claims were unexhausted, that the long delay in his post-conviction relief proceedings in State court were caused by him, and that it was unnecessary to stay his habeas corpus case in this court.

Now, only weeks later he is back with another habeas corpus petition. He is upset because the State obtained an enlargement of time and the trial court set a hearing for August 1, 2017. It is not for a federal district court to micro-manage scheduling in State court. Davis must exhaust his claims in the State court as required by 28 U.S.C. § 2254(b)(1)(A). He must not return to this court every time he disagrees with a procedural ruling in the State court. I

understand that he wants me to waive the exhaustion requirement, but that is possible only where there has been an inordinate and unjustifiable delay such as where the State proceedings have lain dormant for years. *See Jackson v. Duckworth*, 112 F.3d 878, 881 (7th Cir. 1997). As Judge Lozano recounted in his orders, his State case has not lain dormant. As demonstrated by the ongoing proceedings with a scheduled hearing in a few weeks, his State case is not dormant.

For these reasons, the petition is **DENIED**.

SO ORDERED.

ENTERED: July 17, 2017

/s/ Philip P. Simon
Judge
United States District Court