

credits and [shall be] ordered to serve that and remaining time left of [his] sentence [that he was] released from incarceration on.”¹ Andrews alleges that the revocation of his mandatory parole and violates his constitutional rights.

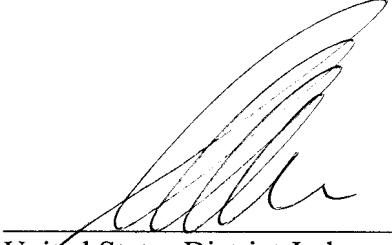
II.

A federal court cannot grant a habeas petition unless the petitioner has exhausted the remedies available in the courts of the state in which he was convicted. Preiser v. Rodriguez, 411 U.S. 475 (1973). If the petitioner has failed to exhaust state court remedies, the federal court must dismiss the petition. Slayton v. Smith, 404 U.S. 53 (1971). In Virginia, a non-death row felon ultimately must present his claim to the Supreme Court of Virginia and receive a ruling from that court, before a federal district court may consider his claims. See Va. Code § 8.01-654. In this case, Andrews concedes that he has not presented his claim to the Supreme Court of Virginia as required. Accordingly, the court dismisses Andrews’ petition for failure to exhaust state court remedies.

III.

The Clerk is directed to send a certified copy of this Memorandum Opinion and accompanying Order to the petitioner.

ENTER: This 6th day of July, 2007.



United States District Judge

¹ It appears that Andrews may be referring to Va. Code § 53.1-159 which was amended in 1994 by the Virginia Assembly. The 1994 amendment states that a parole violator’s “final discharge [from prison] may be extended to require the prisoner to serve the full portion of the term imposed by the sentencing court which was unexpired when the prisoner was released on parole. See Va. Code § 53.1-159.”