

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BRENDA JOYCE GIVHAN, )  
# 133055 )

Petitioner, )

v. )

Civil Action No. 2:09cv56-TMH  
(WO)

FRANK ALBRIGHT, *et al.*, )

Respondents. )

**ORDER**

This cause is before the court on a petition for habeas corpus relief in which Petitioner, a state inmate, challenges a sentence imposed upon her by the Circuit Court for Montgomery County, Alabama, a state trial court. Through her petition, Petitioner seeks an award of jail credit from the aforementioned state court. In their answer filed with this court on March 23, 2009 (Doc. No. 9), Respondents assert that Petitioner has failed to exhaust state court remedies with respect to the claims presented in her habeas petition. Specifically, Respondents allege that Petitioner has not pursued any state post-conviction proceedings challenging her sentence although she has an available state remedy through Rule 32 of the Alabama Rules of Criminal Procedure.

The law directs that a petition for writ of habeas corpus filed by “a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the

