

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

CORNELIUS DRISKER, #178 724

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Petitioner,

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v.

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2:10-CV-890-WHA
(WO)

WARDEN J.C. GILES, *et al.*,

*

Respondents.

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ORDER

This cause is before the court on a petition for habeas corpus relief filed by Petitioner, Cornelius Drisker. In this petition Petitioner challenges the constitutionality of pending criminal charges against him pursuant to orders of the Circuit Court for Elmore County, Alabama. Petitioner is currently incarcerated at the Ventress Correctional Facility on a conviction entered against him by the Circuit Court for Macon County, Alabama.

In an answer filed on December 6, 2010 Respondents assert that Petitioner’s claim of speedy trial violations is without merit as Petitioner has now been indicted on the charges made the subject of the instant petition, and his new cases will presumably appear on the next available trial docket or pretrial docket. Even though Respondents argue that Petitioner’s petition is now without merit , they further contend that he, nonetheless, failed to exhaust available state remedies with respect to the claims now pending before this court. Specifically, Respondents maintain that Petitioner’s claim of speedy trial violations are properly brought in the ongoing criminal case by filing a state habeas corpus petition

