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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Timothy Paul Olmos,  
Petitioner,

vs.

Charles L. Ryan, et al.,  
Respondents.

) No. CV 11-914-PHX-GMS (MEA)

) **ORDER**

\_\_\_\_\_ )  
Petitioner Timothy Paul Olmos, who is confined in the Arizona State Prison Complex-  
Eyman, has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254  
and an Application to Proceed *In Forma Pauperis*. In a June 7, 2011 Order, the Court  
granted the Application to Proceed and dismissed the Petition because Petitioner has  
proceedings still pending in state court.

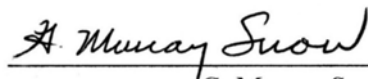
On June 16, 2011, Petitioner filed a Motion for Reconsideration (Doc. 8). Petitioner  
argues that because the claims in his Petition have been exhausted, he should be allowed to  
proceed with his federal habeas petition. Petitioner’s assertion is incorrect. The Court may  
not consider Petitioner’s federal habeas claims until all proceedings in the state courts have  
concluded, regardless of whether Petitioner’s federal claims are exhausted. See Sherwood  
v. Tomkins, 716 F.2d 632, 634 (9th Cir. 1983) (even where claim to be challenged has been  
finally settled in state courts, petitioner must await outcome of his appeal in state court before

1 remedies are exhausted); Schnepp v. Oregon, 333 F.2d 288 (9th Cir. 1964) (*per curiam*)  
2 (pending post-conviction proceedings precluded grant of writ of habeas corpus). The Court  
3 will deny Petitioner's Motion for Reconsideration.

4 **IT IS ORDERED** that Petitioner's June 16, 2011 Motion for Reconsideration  
5 (Doc. 8) is **denied**.

6 DATED this 28th day of June, 2011.

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G. Murray Snow  
United States District Judge