

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**DEMETRIUS CURTIS,
ADC #120225**

PLAINTIFF

v.

Case No. 5:14-cv-00090-KGB-JJV

**GIBSON, Deputy Warden, Delta
Regional Unit; et al.**

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 30) and plaintiff Demetrius Curtis's objections (Dkt. No. 31). After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. It is therefore ordered that Mr. Curtis's motion for preliminary injunction is denied.

The Court writes separately to address Mr. Curtis's objections. He argues that he has exhausted his state remedies and that this Court may consider his request for what is habeas relief because he recently filed a writ of habeas corpus in state court. However, to have exhausted his state remedies, Mr. Curtis must have sought and been denied relief in the state courts, including in the appropriate state appellate courts. *Preiser v. Rodriguez*, 411 U.S. 475, 477 (1973); *see Turnage v. Fabian*, 606 F.3d 933, 936 (8th Cir. 2010). This requirement provides states the opportunity to review and correct alleged violations of a petitioner's federal rights. *Turnage*, 606 F.3d at 936. Mr. Curtis has not been denied relief in the state courts.

SO ORDERED this the 1st day of August, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE