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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

REGINALD HOLMES,	)	Case No. CV 17-4651-R (AJW)
	)	
Petitioner,	)	
	)	
v.	)	ORDER DISMISSING PETITION
	)	WITHOUT PREJUDICE
RAYMOND MADDEN, Warden,	)	
	)	
Respondent.	)	
_____	)	

Petitioner filed this petition for a writ of habeas corpus raising six claims for relief. [Docket No. ("Dkt.") 1]. On August 28, 2017, respondent filed a motion to dismiss the petition on the ground that petitioner's claims were unexhausted. [Dkt. 6]. Petitioner did not file an opposition. On October 4, 2017, the Court issued an order explaining that the petition was subject to dismissal based upon petitioner's failure to exhaust his state remedies. Petitioner was informed that he had two options: (1) he could file a notice of intent to dismiss the petition or (2) he could file a motion to stay the proceedings to allow him to exhaust his state remedies. The October 4, 2017 order advised petitioner that failure to respond would be deemed his consent to dismissal of the petition without prejudice.

1 Petitioner's response to the order was due on November 1, 2017. As of  
2 the date of this order, petitioner has neither filed a response nor  
3 requested additional time within which to do so.

4 "An application for a writ of habeas corpus on behalf of a person  
5 in custody pursuant to the judgment of a State court shall not be  
6 granted unless it appears that the applicant has exhausted the  
7 remedies available in the courts of the State." 28 U.S.C. §  
8 2254(b)(1)(A); see Duncan v. Henry, 513 U.S. 364, 365 (1995)(per  
9 curiam). As explained in respondent's motion to dismiss and the  
10 October 4, 2017 order, petitioner has failed to exhaust his state  
11 remedies with respect to any of the claims presented in his petition.  
12 Further, petitioner's failure to respond to the October 4, 2017 order  
13 is deemed his consent to the dismissal of this unexhausted petition.  
14 Accordingly, the petition is dismissed without prejudice.

15 It is so ordered.

16  
17 Dated: November 27, 2017



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18 Manuel L. Real  
19 United States District Judge  
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