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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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|---------------------|---|-------------------------------|
| GREGORY ELL SHEHEE, |) | |
| |) | 1:12-cv-01395-AWI-JLT HC |
| Petitioner, |) | |
| |) | ORDER FOR ADDITIONAL RESPONSE |
| v. |) | FROM PETITIONER |
| |) | |
| AUDREY KING, |) | |
| |) | |
| Respondent. |) | |

Petitioner is confined at the Coalinga State Hospital proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his pre-conviction detention.

On November 21, 2012, the Magistrate Judge assigned to the case filed a Findings and Recommendation ("F&R") recommending that the petition for writ of habeas corpus be DISMISSED due to lack of exhaustion. (Doc. 15). The F&R was served on all parties and contained notice that any objections were to be filed within twenty days from the date of service of that order.

On December 4, 2012, Petitioner filed objections to the F&R. (Doc. 16). In relevant part, Petitioner argues that he has exhausted his administrative remedies because the California Supreme Court summarily denied his petition. See id. Petitioner identifies the denied petition as bearing California Supreme Court Case No. S202833. See id.

As part of his objections, and as part of his petition, Petitioner submitted state court documents. Included were documents relating to two petitions in the California Supreme Court. In Case No. S202833, the California Supreme Court transferred the matter to the Fifth District Court of

1 Appeal. On June 7, 2012, the Fifth District Court of Appeal denied the petition. On June 27, 2012,
2 Petitioner filed another petition in the California Supreme Court, Case No. S203603. Case No.
3 S203603 was denied in one sentence by the California Supreme Court on July 18, 2012.

4 In light of the above, the Court is concerned whether there has been adequate exhaustion.
5 The California Supreme Court case number that Petitioner relies on, No. S202833, is not a denial
6 and does not show exhaustion. Case No. S203603, however, is a denial. Unfortunately, the Court
7 cannot tell whether Case No. S203603 is related to the claims that Petitioner makes in the case at bar.
8 The Court will give Petitioner one more opportunity to show exhaustion before deciding whether to
9 adopt the Findings and Recommendation.

10
11 Accordingly, IT IS HEREBY ORDERED that, no later than March 14, 2013, Petitioner shall
12 submit additional evidence on the issue of whether he has exhausted his state remedies, and in
13 particular the nature of Petitioner's California Supreme Court Case No. S203603.

14 IT IS SO ORDERED.

15 Dated: February 25, 2013



16 SENIOR DISTRICT JUDGE

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