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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

XAVIER NEVARES,

Petitioner,

No. CIV S-06-1001 LKK DAD P

vs.

UNKNOWN,

Respondent.

ORDER

On May 8, 2006, petitioner Xavier Nevares filed a letter with this court which the Clerk of Court interpreted as a federal petition for a writ of habeas corpus. Upon examination, however, it appears that petitioner’s letter seeks information regarding the status of a state habeas petition filed on his behalf approximately three months ago in the Tulare County Superior Court.<sup>1</sup> No federal habeas petition or any other document has been filed by petitioner before this court.

Because there is no federal habeas petition on file, the court will direct the Clerk of the Court to administratively close this case. Petitioner should direct any inquiry regarding the status of his state habeas action to the state court where that habeas petition was filed.

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<sup>1</sup> In that state habeas action filed with the assistance of counsel petitioner has apparently alleged that his due process rights were violated when the Board of Prison Terms failed to conduct a probable cause hearing within ten days after issuance of a parole hold. Petitioner also indicates that he is appealing the parole violation charges. Petitioner requests information on the status of his state petition.

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Petitioner is also advised that before he may seek habeas relief in federal court, he must exhaust state court remedies. See 28 U.S.C. § 2254(b)(1). A petitioner satisfies the exhaustion requirement by fairly presenting to the highest state court all federal claims before presenting them to the federal court. See Duncan v. Henry, 513 U.S. 364, 365 (1995) (per curiam); Picard v. Connor, 404 U.S. 270, 276 (1971); Crotts v. Smith, 73 F.3d 861, 865 (9th Cir. 1996); Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir. 1986).

In accordance with the above, IT IS HEREBY ORDERED that this action be administratively closed.

DATED: May 17, 2006.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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