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

RICHARD JOSE DUPREE,

Petitioner,

No. 2:10-cv-3114 WBS JFM (HC)

vs.

ANGELICA LAUER,

ORDER AND

Respondent.

ORDER TO SHOW CAUSE

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a civil action on the form for filing a petition writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has neither paid a filing fee for this action nor filed a request to proceed in forma pauperis.

Petitioner has failed to specify any grounds for relief in his petition. See Rule 2(c), Rules Governing § 2254 Cases. The petition is comprised of allegations against network television anchor Matt Lauer and a woman identified as Angelica Lauer, alleged to be Matt Lauer’s wife, allegations which appear to be delusional.<sup>1</sup> Good cause appearing, the Clerk of the Court will be directed to send a copy of the petition and a copy of this order to counsel for the plaintiff class in Coleman v. Schwarzenegger, No. 2:90-cv-0520 LKK JFM.

\_\_\_\_\_ <sup>1</sup> Court records reflect that petitioner has recently filed several other actions containing similar allegations.

1           Because petitioner has failed to specify any cognizable ground for habeas corpus  
2 relief in the petition, the petition will be dismissed. If, as petitioner alleges, an appeal from his  
3 sentence or his conviction is presently pending, amendment may be futile at this time; petitioner  
4 may not seek federal habeas corpus relief until he has exhaust state court remedies with respect to  
5 any federal claims. See 28 U.S.C. § 2254(b)(1). A petitioner satisfies the exhaustion  
6 requirement by providing the highest state court with a full and fair opportunity to consider all  
7 claims before presenting them to the federal court. Picard v. Connor, 404 U.S. 270, 276 (1971);  
8 Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir.), cert. denied, 478 U.S. 1021 (1986).<sup>2</sup>  
9 Accordingly, petitioner will be ordered to show cause in writing why this action should not be  
10 dismissed without prejudice.

11           In accordance with the above, IT IS HEREBY ORDERED that:

- 12           1. Petitioner's application for writ of habeas corpus is dismissed;
- 13           2. The Clerk of the Court is directed to send a copy of petitioner's application  
14 together with a copy of this order to Rosen, Bien and Galvan, 315 Montgomery Street, Tenth  
15 Floor, San Francisco, CA 94104; and
- 16           3. Within thirty days from the date of this order, petitioner shall show cause in  
17 writing why this action should not be dismissed without prejudice.

18 DATED: December 9, 2010.

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21 UNITED STATES MAGISTRATE JUDGE

22 12;dupr3114.osc  
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26 <sup>2</sup> Any challenge to petitioner's conviction should be filed in the Fresno Division of this Court, as petitioner alleges that he was convicted in the Fresno County Superior Court.