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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DeANDRE R. SMITH,  
Petitioner,  
v.  
UNKNOWN,  
Respondent.

No. 2:14-cv-0944 KJN P

ORDER

Petitioner has filed his third request for an extension of time to file a petition for writ of habeas corpus pursuant to the court's order of April 25, 2014. In this motion, petitioner states that he is in the process of filing habeas corpus petitions in the Sacramento County Superior Court and the California Supreme Court. Petitioner states that he wants to make sure his remedies are exhausted at the state level before he files a federal habeas corpus petition.

In his letter filed April 17, 2014, petitioner states that he is challenging a conviction for which he was sentenced to four years and four months on January 21, 2014. If petitioner is in the process of exhausting his state court remedies, a federal habeas corpus petition is premature. The one year statute of limitations has not run. See 28 U.S.C. § 2244(d). For these reasons, petitioner's motion for an extension of time is denied. Petitioner is ordered to show cause within twenty-one days from the date of this order why this action should not be dismissed for the reasons discussed above.

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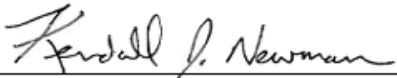
Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion for an extension of time (ECF No. 9) is denied; and

2. Within twenty-one days from the date of this order, petitioner shall show cause why this action should not be dismissed on the grounds discussed above; failure to respond to this order will result in a recommendation of dismissal of this action.

Dated: August 13, 2014

Smit0944.111sec

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE