

1 The exhaustion of available state remedies is a prerequisite to a federal court's
2 consideration of claims sought to be presented in habeas corpus proceedings. See Rose v. Lundy,
3 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). A petitioner can satisfy the exhaustion requirement by
4 providing the highest state court with a full and fair opportunity to consider all claims before
5 presenting them to the federal court. Picard v. Connor, 404 U.S. 270, 276 (1971), Middleton v.
6 Cupp, 768 F.2d 1083, 1086 (9th Cir. 1985), cert. denied, 478 U.S. 1021 (1986).

7 After reviewing the petition for habeas corpus, the court finds that petitioner has failed to
8 exhaust state court remedies. The claims have not been presented to the California Supreme
9 Court. The present petition on its face clearly indicates that the headlined claims have not been
10 presented to the California Supreme Court, either by way of direct review petition, or state habeas
11 corpus. The argument section in the petition contains a myriad of other claims, sub-claims or
12 simply critical observations, most of which appear unexhausted. The court has given petitioner
13 every opportunity to exhaust his claims. The undersigned now finds that further opportunities
14 would be futile. Moreover, there is no allegation that state court remedies are no longer available
15 to him.

16 Good cause appearing, IT IS HEREBY ORDERED that petitioner is granted leave to
17 proceed in forma pauperis (ECF No. 31); and

18 IT IS HEREBY RECOMMENDED that petitioner's application for a writ of habeas
19 corpus be dismissed for failure to exhaust state remedies.

20 These findings and recommendations will be submitted to the United States District Judge
21 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
22 after being served with these findings and recommendations, any party may file written
23 objections with the court and serve a copy on all parties. Such a document should be captioned
24 "Objections to Findings and Recommendations." Any response to the objections shall be filed

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1 and served within fourteen days after service of the objections. The parties are advised that
2 failure to file objections within the specified time may waive the right to appeal the District
3 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: May 9, 2019

5 /s/ Gregory G. Hollows
6 UNITED STATES MAGISTRATE JUDGE
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