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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCOIS P. GIVENS,
Petitioner,
v.
JAMES PRICE,
Respondent.

No. 2:15-cv-2637 CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Petitioner has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

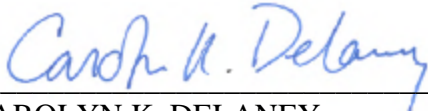
Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The exhaustion of state court remedies is a prerequisite to the granting of a petition for writ of habeas corpus. 28 U.S.C. § 2254(b)(1). In his petition, petitioner indicates direct appeal with respect to his conviction is not yet final. Therefore, he has

1 not exhausted state court remedies with respect to any claim. Accordingly, this matter must be
2 dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that:

- 4 1. Petitioner is granted leave to proceed in forma pauperis;
- 5 2. Petitioner's petition for writ of habeas corpus is summarily dismissed for failure to
6 exhaust state court remedies;
- 7 3. This case is closed; and
- 8 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
9 2253.

10 Dated: February 29, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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