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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC C. HODGES,
Petitioner,
v.
RAYMOND MADDEN,
Respondent.

No. 2:16-cv-2402 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. (ECF No. 1.) Before the court is respondent’s unopposed motion to dismiss this action for failure to exhaust administrative remedies. (ECF No. 16.) The parties have consented to Magistrate Judge jurisdiction to conduct all proceedings in this action. (ECF Nos. 10 & 12.)

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

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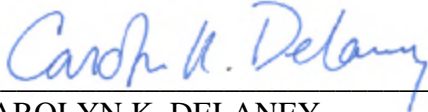
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After reviewing the record in this action, the court finds that petitioner has failed to exhaust state court remedies. (See Resp's Lod. Doc. 13.) Petitioner's federal claims have not been presented to the California Supreme Court.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Respondent's motion to dismiss (ECF No. 16) is granted; and
2. The petition for writ of habeas corpus is dismissed for failure to exhaust state remedies.

Dated: March 7, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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