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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

ROBERTO ANTONIO MENDOZA,

Petitioner,

No. C 14-3446 NJV (PR)

vs.

S. FRAUENHEIM,

Respondent.

**ORDER DISMISSING CASE  
AND DENYING A  
CERTIFICATE OF  
APPEALABILITY**

**United States District Court**  
For the Northern District of California

Petitioner, a California prisoner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court ordered petitioner to show cause why this case should not be dismissed as unexhausted, as it appeared that the petition only contained unexhausted claims. The court also noted that a fully unexhausted federal habeas petition may not be stayed and should be dismissed. *See, e.g., Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006).

Petitioner has not filed a response or otherwise communicated with the court. Therefore, the petition is **DISMISSED** without prejudice as unexhausted. Petitioner may file a new petition once the claims have been exhausted. Because reasonable jurists would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: October 24, 2014.

  
\_\_\_\_\_  
NANDOR J. VADAS  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

ROBERTO ANTONIO MENDOZA,

No. C 14-3446 NJV (PR)

Petitioner,

**CERTIFICATE OF SERVICE**


v.

S. FRAUENHEIM,

Respondent.

I, the undersigned, hereby certify that on October 24, 2014, I served a true and correct copy of the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Roberto Antonio Mendoza  
CDCR # AH-2211  
Pleasant Valley State Prison  
A3-215  
P.O. Box 8500  
Coalinga, CA 93210

  
Linn Van Meter  
Administrative Law Clerk to the  
Honorable Nandor J. Vadas