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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 CURTIS M. WILLIAMS, )  
11 Petitioner, ) No. C 06-4322 CRB (PR)  
12 vs. ) ORDER OF DISMISSAL  
13 CHARLES C. PLUMMER, Sheriff, ) (Doc # 2)  
14 Respondent. )  
15 \_\_\_\_\_ )  
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17 Petitioner, a state prisoner currently incarcerated at the Alameda County  
18 Jail, Santa Rita Facility, seeks a writ of habeas corpus under 28 U.S.C. § 2254.

19 Prisoners in state custody who wish to challenge collaterally in federal  
20 habeas corpus proceedings either the fact or length of their confinement are first  
21 required to exhaust state judicial remedies, either on direct appeal or through  
22 collateral proceedings, by presenting the highest state court available with a fair  
23 opportunity to rule on the merits of each and every claim they seek to raise in  
24 federal court. See 28 U.S.C. § 2254(b)-(c). Petitioner has not done so. Although  
25 he recently presented his claim to the Alameda County superior court and was  
26 denied relief, he has not presented the claim to the Supreme Court of California.  
27 See O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999) (state's highest court must  
28 be given opportunity to rule on claims even if review is discretionary); Larche v.

1       Simons, 53 F.3d 1068, 1071-72 (9th Cir. 1995) (Supreme Court of California  
2       must be given at least one opportunity to review state prisoners' federal claims).  
3       The petition for a writ of habeas corpus is DISMISSED without prejudice to  
4       refiling after state judicial remedies are exhausted.

5             The clerk shall close the file and terminate all pending motions (see, e.g.,  
6       doc # 2) as moot. No fee is due.

7       SO ORDERED.

8       DATED: July 18, 2006



CHARLES R. BREYER  
United States District Judge