

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JORGE NAHUM ESCUTIA
MENDOZA,

No. C 11-1183 WHA (PR)

Petitioner,

**ORDER DENYING MOTIONS FOR
RECONSIDERATION**

v.

TERRI GONZALEZ, Warden,

(Docket Nos. 16 & 17)

Respondent.

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254. Respondent's motion to dismiss was granted on that grounds that petitioner had not exhausted his claims in that he had not completed all of his state court proceedings. Petitioner has filed two motions in which he states that he has now completed all of his state court proceedings, which he contends warrants "reconsideration" of the dismissal order. It does not. The dismissal order was correct, and his completion of state court proceedings is not grounds for reconsidering the order. To be sure, this case was dismissed without prejudice to petitioner refiling his petition when the state court proceedings are completed, but the petition must be refiled in a new case, not in this one. To the extent petitioner has completed all of his state court proceedings, he may file his petition in a new case. The motions for reconsideration (docket number 16 and 17) are **DENIED**.

IT IS SO ORDERED.Dated: October 7, 2011.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE