

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STEVE CRUMP,

No. C 13-0010 RS (PR)

Petitioner,

**ORDER OF DISMISSAL**

v.

LINDA PERSONS,

Respondent.

United States District Court  
For the Northern District of California

This federal habeas corpus action is premature. It is clear from the face of the petition that petitioner’s conviction is not final or appealable as he has not yet been sentenced. If his conviction is not final, he cannot have exhausted his state judicial remedies prior to filing a federal habeas action. Accordingly, the action is hereby DISMISSED without prejudice. Petitioner may file a federal habeas petition after he has exhausted his state judicial remedies. His motion to proceed *in forma pauperis* (Docket Nos. 2, 4, 5 & 6) is GRANTED. A certificate of appealability will not issue. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall terminate Docket Nos. 2, 4, 5 & 6, enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

DATED: February 8, 2013

RICHARD SEEBORG  
United States District Judge

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