

**FILED**

MAR 03 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO B. TARANGO,  
Plaintiff,

v.

WILLIAM KNIPP, et al.,  
Defendants.

Case No. 13-cv-01544-JST

**ORDER DISMISSING HABEAS  
CORPUS PETITION WITHOUT  
PREJUDICE**

Re: ECF No. 4

United States District Court  
Northern District of California

In this federal habeas corpus action filed under 28 U.S.C. § 2254 by Ernesto Tarango, a state prisoner who is represented by counsel, the Court issued an order to show cause why the action should not be stayed pending the exhaustion of Tarango's state remedies. ECF No. 3. The Court noted in that order that Tarango admitted in his petition that he has not exhausted his state remedies, which renders his petition subject to dismissal for lack of exhaustion. In response to the Court's order, Tarango requests the dismissal of the petition without prejudice pending the resolution of his habeas corpus petition in state court. ECF No. 4. In light of Tarango's response to the order to show cause, and in light of his admitted failure to exhaust his state remedies, the petition before the Court is DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

Dated: 3/5/14

  
\_\_\_\_\_  
JON S. TIGAR  
United States District Judge