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

United States District Court  
Northern District of California

CARL SKIDMORE,  
  
                                Petitioner,  
  
          v.  
  
J. LIZARRAGA,  
  
                                Respondent.

Case No.: C 14-1231 JSC (PR)  
  
**ORDER OF DISMISSAL; GRANTING  
LEAVE TO PROCEED IN FORMA  
PAUPERIS**

Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254.<sup>1</sup> The petition states the same claims as an earlier petition recently filed by Petitioner, *Skidmore v. Lizarraga*, No. C 14-0253 JSC (PR). His earlier petition was dismissed without prejudice because in a motion to stay attached to the petition he indicated that he had not exhausted any of his claims. *See Raspberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006) (district court may not stay petition containing only unexhausted claims). An identical motion for a stay is attached to the instant petition, and it also indicates that none of the claims have been exhausted. (Dkt. 1 at 4-6, 28.) Accordingly,

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<sup>1</sup> Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. 1 at 8.)

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the instant petition for a writ of habeas corpus is DISMISSED without prejudice to filing a new petition in this Court after available state judicial remedies are exhausted.

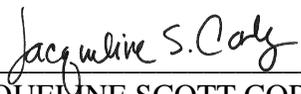
Rule 11(a) of the Rules Governing Section 2254 Cases now requires a district court to rule on whether a Petitioner is entitled to a certificate of appealability in the same order in which the petition is decided. Petitioner has failed to make a substantial showing that a reasonable jurist would find this Court's ruling debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate of appealability is warranted in this case.

Leave to proceed in forma pauperis is GRANTED.

The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: March 27, 2014

  
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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE