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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JASON MULLINS,

Petitioner,

No. C 07-2927 PJH (PR)

vs.

BOARD OF PAROLE HEARINGS,

Respondent.

**ORDER FOR PETITIONER TO  
SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED  
FOR FAILURE TO EXHAUST**

This is a habeas corpus case filed pro se by a state prisoner. Because it appeared from the petition that petitioner might have intended to file in the California Supreme Court rather than this court, petitioner was ordered to file a statement saying which court was intended. He has responded, saying that he intended to file here.

The petition is directed to revocation of petitioner's parole. Although petitioner has attached a ruling on his state habeas petition by the California Superior Court for Marin County, he has checked the "no" box next to a question asking if he has filed any petitions other than this one. A search of the state appellate courts' website suggests that he has had no cases in the California appellate courts. If so, these claims are not exhausted.

An application for a federal writ of habeas corpus filed by a prisoner who is in state custody pursuant to a judgment of a state court may not be granted unless the prisoner has first exhausted state judicial remedies, either by way of a direct appeal or in collateral proceedings, by presenting the highest state court available with a fair opportunity to rule on the merits of each and every issue he or she seeks to raise in federal court. See 28 U.S.C. § 2254(b),(c); *Granberry v. Greer*, 481 U.S. 129, 133-34 (1987). Petitioner has the burden of pleading exhaustion in his habeas petition. See *Cartwright v. Cupp*, 650 F.2d 1103, 1104 (9th Cir. 1981). Petitioner here has not done so.

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Petitioner shall show cause within thirty days of the date this order is entered why this case should not be dismissed for failure to exhaust. If he does not respond, or if he cannot show that his claims are exhausted, the case will be dismissed.

**IT IS SO ORDERED.**

Dated: April 14, 2010.

  
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PHYLLIS J. HAMILTON  
United States District Judge