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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMAL T. EVERETT,

No. C 12-1410 CW (PR)

Petitioner,

ORDER DISMISSING CASE;

v.

DIRECTING CLERK TO

REFILE PETITION IN

M. D. McDONALD, Warden,

CASE NO. C 10-4323 CW (PR)

Respondent.

The Clerk of the Court erroneously opened this case when Petitioner filed a document entitled, "Petition for Writ of Habeas Corpus," which is related to his other pending action, Everett v. McDonald, No. C 10-4323 CW (PR). Specifically, Petitioner's other pending action is a habeas action that has been stayed pending Petitioner's exhaustion of state remedies. Petitioner has been directed in that action to keep the Court apprised of the status of his exhaustion efforts in state court. The petition filed in the present case is a copy of a petition that Petitioner intended to file in the California Supreme Court; Petitioner explains in a letter attached to the petition that he is sending the petition to this Court to show that he is in the process of exhausting state remedies.¹

¹ In his letter, filed March 20, 2012, Petitioner inquires whether the California Supreme Court is the last court in which he is required to file his habeas petition to exhaust his previously unexhausted claims. The Court cannot provide Petitioner with legal advice. The Court notes, however, that prisoners in state custody who wish to challenge collaterally in federal habeas proceedings either the fact or length of their confinement are first required to exhaust state judicial remedies, either on direct appeal or through collateral proceedings, by presenting the highest state

