

1 proceedings are first required to exhaust state judicial remedies, either on direct appeal or
2 through collateral proceedings, by presenting the highest state court available with a fair
3 opportunity to rule on the merits of each and every claim the prisoners seek to raise in federal
4 court. 28 U.S.C. § 2254(b)-(c). The exhaustion-of-state-remedies doctrine reflects a policy of
5 federal-state comity to give the state “the initial ‘opportunity to pass upon and correct alleged
6 violations of its prisoners’ federal rights.” *Picard v. Connor*, 404 U.S. 270, 275 (1971)
7 (citations omitted). The exhaustion requirement is satisfied only if the federal claim has been
8 “fairly presented” to the state courts. *See id.*; *Peterson v. Lampert*, 319 F.3d 1153, 1155-56 (9th
9 Cir. 2003) (en banc). The state’s highest court must be given an opportunity to rule on the
10 claims even if review is discretionary. *See O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999)
11 (petitioner must invoke “one complete round of the State’s established appellate review
12 process.”). A federal district court must dismiss a federal habeas petition containing any claim
13 as to which state remedies have not been exhausted. *See Rhines v. Webber*, 544 U.S. 269, 273
14 (2005).

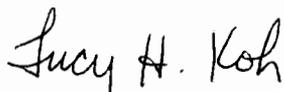
15 Petitioner concedes that he has not presented any of the federal claims regarding
16 petitioner’s 2006 conviction to the California Supreme Court. Thus, petitioner has not fairly
17 presented his claims in the underlying federal petition of habeas corpus to the highest state court.
18 Accordingly, the court DISMISSES this action without prejudice for failure to exhaust.

19 The Clerk shall terminate all pending motions and close the case.

20 The federal rules governing habeas cases brought by state prisoners require a district
21 court that denies a habeas petition to grant or deny a certificate of appealability (“COA”) in its
22 ruling. *See* Rule 11(a), Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254. Petitioner has
23 not shown “that jurists of reason would find it debatable whether the district court was correct in
24 its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a COA is
25 DENIED.

26 IT IS SO ORDERED.

27 DATED: 5/5/2016

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LUCY H. KOH
United States District Judge