

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

NICK J. OLAND,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2:13-CV-113 JD
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Nick J. Oland, a *pro se* prisoner, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging a state conviction. [ECF No. 1.] Pursuant to RULE 4 OF THE RULES GOVERNING SECTION 2254 CASES, the court is obligated to review the petition and dismiss it if “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief[.]”

According to the petition, Oland pled guilty to felony theft in Lake County Superior Court and was sentenced to three years in prison. [ECF No. 1.] He did not pursue a direct appeal, nor did he pursue any state post-conviction relief. [*Id.* at 1-2.] Giving his federal petition liberal construction, he claims that his guilty plea was not knowing and voluntary because he was misled by the judge and prosecutor about the length of time he would serve in prison. [*Id.* at 3.] He acknowledges that he has not yet presented this claim to the Indiana courts. [*Id.*]

Oland’s petition is governed by the Anti-Terrorism and Effective Death Penalty Act of 1996 (“AEDPA”). *See Lindh v. Murphy*, 521 U.S. 320, 336 (1997). AEDPA allows a district court to issue a writ of habeas corpus on behalf of a person incarcerated pursuant to a state court judgment “on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Before considering the merits of a habeas petition, the court must ensure that

