

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

JAMAL SALAAM MARTIN,)
)
Petitioner,)
)
vs.) CAUSE NO. 2:17-CV-235
)
SHERRIFF,)
)
Respondent.)

OPINION AND ORDER

This matter is before the Court on the Petition under 28 U.S.C. Paragraph 2254 for Writ of Habeas Corpus filed by Jamal Salaam Martin, a pro se petitioner, on May 25, 2017. ECF 1. For the reasons set forth below, the Court **DENIES** the petition (ECF 1) **WITHOUT PREJUDICE** because Petitioner has mistakenly sent his appeal to the wrong court. The Clerk is directed to **CLOSE** this case.

DISCUSSION

Jamal Salaam Martin filed two documents titled "Notice of Appeal" with this Court attempting to challenge a contempt conviction imposed on him by the Superior Court of Lake County in cases 45G01-1703-F4-14 and 45G01-1611-F4-45 on April 24, 2017. ECF

1, 2. However, both of these filings appear to be Martin's attempt to appeal his contempt conviction to the Court of Appeals of Indiana. Martin sent his documents to the "Appeals Clerk" (ECF 1-1 at 1, 2-1, at 1), refers to his pleading as an "appeal," and does not mention habeas corpus or utilize the court's habeas corpus form.

Even if Martin did intend to send these documents to this Court as a petition for habeas corpus pursuant to 28 USC § 2254, the Court would be required to dismiss his petition as unexhausted. Before a petitioner can challenge a State proceeding in a federal habeas corpus petition, he must have previously presented his claims to the State courts. "This means that the petitioner must raise the issue at each and every level in the state court system, including levels at which review is discretionary rather than mandatory." *Lewis v. Sternes*, 390 F.3d 1019, 1025-1026 (7th Cir. 2004). Here, Martin has not raised a challenge to his contempt conviction in one complete round of state court review. Until the state process is complete, Martin cannot obtain habeas corpus relief in federal court. *Id.*

CONCLUSION

For the reasons set forth above, the Court **DENIES** the petition (ECF 1) **WITHOUT PREJUDICE** because Petitioner mistakenly sent his

appeal to the wrong court. The Clerk is directed to **CLOSE** this case.

DATED: June 14, 2017

/s/RUDY LOZANO, Judge
United States District Court