

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

TONY V. HAWKINS,	)	
	)	
Petitioner	)	
	)	
v.	)	CAUSE NO. 3:07-CV-072 RM
	)	
J. DAVID DONAHUE and THOMAS	)	
D. HANLON,	)	
	)	
Respondents	)	

OPINION AND ORDER

Tony V. Hawkins, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge his criminal conviction in 56D03-0211-FA-2 in Newton County Superior Court. Mr. Hawkins states that he filed a state habeas corpus petition. His attachments to his petition indicate that his petition for post-conviction relief was filed in the Newton County Superior Court on February 14, 2005. Mr. Hawkins then states in his petition that it has taken the state public defenders' officer two years to even begin processing the petition for post-conviction relief, so he filed this petition for writ of habeas corpus. (docket #1, page 3). This court may not review Mr. Hawkins' federal habeas corpus petition because he has not yet exhausted his remedies in state court.

An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that--

- (A) the applicant has exhausted the remedies available in the courts of the State; or
- (B) (i) there is an absence of available State corrective process; or  
(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

