

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF INDIANA  
 SOUTH BEND DIVISION

JOHN B. FLETCHER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 3:14-CV-686 JD
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

OPINION AND ORDER

John B. Fletcher, a *pro se* prisoner, filed a habeas corpus petition attempting to challenge the revocation of his parole on March 17, 2014, in connection with his 1986 conviction and 50 year sentence for rape by the Lake Superior Court under cause number 3CR-115-786-459. However, before the court can consider a habeas corpus petition challenging a State proceeding, the petitioner 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. Starnes*, 390 F.3d 1019, 1025-1026 (7th Cir. 2004).

There are two possible methods for challenging a parole revocation in Indiana: by filing a post-conviction relief petition, *Receveur v. Buss*, 919 N.E.2d 1235 (Ind. Ct. App. 2010), or by filing a State habeas corpus petition if the inmate is seeking immediate release. *Lawson v. State*, 845 N.E.2d 185, 186 (Ind. Ct. App. 2006). Furthermore, if a state habeas corpus petition is improperly filed, it will be converted to a post-conviction petition. *Hardley v. State*, 893 N.E.2d 740, 743 (Ind. Ct. App. 2008) and *Ward v. Ind. Parole Bd.*, 805 N.E.2d 893 (2004). Here, Fletcher’s habeas corpus petition indicates that he has not presented his claims to any State court in any proceeding. Therefore he has not exhausted his State court remedies and this case must be dismissed without prejudice so

