

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ROGER SLOAN,)
)
 Petitioner,)
)
 vs.)
)
 RICHARD BROWN, Superintendent,)
)
 Respondent.)

2:11-cv-255-JMS-DKL

Entry and Order Dismissing Action

I.

The circumstances associated with the habeas claim of Roger Sloan were examined in the Entry of March 14, 2012, and Sloan was given through April 4, 2012, in which “to explain why the present action should not be dismissed without prejudice so that he can exhaust this available remedy under Indiana law through the filing of an action for post-conviction relief.”

Sloan has failed to proceed as directed above. The court concludes from this failure that he has not exhausted his available state remedies in the Indiana state courts (by filing an action for post-conviction relief) and this action should therefore be dismissed without prejudice.

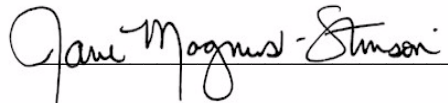
Judgment consistent with this Entry shall now issue.

II.

The court further concludes that Sloan has failed to show that reasonable jurists would find it debatable whether [this court] was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court therefore **denies** a certificate of appealability.

IT IS SO ORDERED.

Date: 05/14/2012



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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