

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KEVIN WOOD

CIVIL ACTION

VERSUS

NO: 16-17888

RED RIVER PARISH JAIL

SECTION: "J"(3)

ORDER

Before the Court is a *Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Rec. Doc. 5)* filed by *pro se* Petitioner Kevin Wood. The State of Louisiana, through the district attorney of the Parish of Red River filed an answer to the petition (Rec. Doc. 12). For the reasons stated below, the Court finds that the petition should be **DISMISSED WITHOUT PREJUDICE**.

Petitioner claims that the Sheriff Department of the Red River Parish arrested him without probable cause, placed him in a vehicle with the heat on for three hours, and applied handcuffs so tightly that his wrists were cut. Petitioner also alleges that because he threatened to sue, the Sheriff Department held him in jail for approximately 39 days. Finally, Petitioner alleges that his state-appointed attorney has failed to meet with him despite numerous attempts by Petitioner and his family members to make contact.

The State argues that Petitioner has failed exhaust his administrative remedies. Petitioner has submitted no evidence to counter the State's contention and has not argued that exhaustion

of administrative remedies is not necessary in this case. A petitioner in state custody must exhaust his available state court remedies before filing the petition in federal court. Whitehead v. Johnson, 157 F.3d 384, 387 (5th Cir. 1998) ("A federal habeas petition should be dismissed if state remedies have not been exhausted as to all of the federal court claims.") Until Petitioner exhausts all his remedies, this case must be dismissed.

Accordingly,

IT IS ORDERED that Petitioner's *Petition for Writ of Habeas Corpus* (Rec. Doc. 5) is **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED that Petitioner is granted leave to submit any evidence or argument concerning exhaustion of administrative remedies within **thirty (30) days** of entry of this order.

New Orleans, Louisiana, this 7th day of July, 2017.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE