

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DIST. OF LA
2010 MAR 23 P 2: 20

ALFRED RICARD

SIGNATURE
BY DEPUTY CLERK
CIVIL ACTION

VERSUS

BURL CAIN, ET AL.

NO. 08-0161-RET-CN

O R D E R

Pursuant to Ruling dated February 18, 2010, rec.doc.no. 16, the Court approved the Report and Recommendation of the Magistrate Judge and determined that the petitioner is not entitled to a stay and abeyance of the above-captioned habeas corpus proceeding under Rhines v. Weber, 544 U.S. 269, 125 S.Ct. 1528, 161 L.Ed.2d 440 (2005). The Court further granted the petitioner a period of twenty (20) days within which to amend his petition to delete those claims which have not been previously presented to the state courts. See Rose v. Lundy, 455 U.S. 509, 102 S.Ct. 1198, 71 L.Ed.2d 379 (1982). The petitioner was specifically advised that, "[f]ailure to amend the petition within the time allowed may result in the dismissal of the entire petition for failure to exhaust state court remedies with regard to all of the petitioner's claims."

A review of the record now reflects that, despite notification of the need to submit an amended petition within twenty (20) days, deleting those claims which have not been previously presented to the state courts, the petitioner has failed to respond to the Court's Order. Therefore, this proceeding shall be dismissed pursuant to Rose v. Lundy, supra, for failure of the petitioner to exhaust state court remedies with

regard to all of the claims asserted in his habeas petition.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, this 23rd day of March, 2010.



RALPH E. TYSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT