

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JESSE JAMES KASENGE, formerly
known as JESSE KASENGE,

Petitioner,

v.

KELLY RYAN,

Respondent.

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Civil Action No. 13-11725-IT

ORDER

March 18, 2015

TALWANI, D.J.

Before this court is Respondent’s Motion to Dismiss for Failure to Exhaust State Court Remedies [#26], in which Respondent argues that Petitioner failed to exhaust Ground One of his petition. In reading the petition, the court concludes that the nature of Petitioner’s legal claim in Ground One is unclear. As a result, it is unclear whether Petitioner exhausted Ground One. The court orders that Respondent’s Motion to Dismiss for Failure to Exhaust State Court Remedies [#26] is DENIED WITHOUT PREJUDICE. The court will order briefing on the merits of the petition. Respondent can raise the issue of exhaustion after or in connection with the merits briefing. The court hereby sets the following briefing schedule:

Petitioner shall file a memorandum in support of his petition no later than May 18, 2015.

Respondent shall file a memorandum in opposition to the petition no later than June 15, 2015.

IT IS SO ORDERED.

March 18, 2015

/s/ Indira Talwani
United States District Judge