

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSMARKENDY JEAN,  
Petitioner,

v.

CIVIL ACTION NO. 15-13145-NMG

KELLY RYAN,  
Respondent.REPORT AND RECOMMENDATION ON  
PETITION FOR WRIT OF HABEAS CORPUS (#1).

KELLEY, U.S.M.J.

I. Introduction.

On August 13, 2015, Markendy Jean filed this petition for writ of habeas corpus, pro se, pursuant to 28 U.S.C. § 2254 for alleged violations of his constitutional rights. (#1.) In 2007, a jury in the Middlesex Superior Court convicted Jean of second degree murder, carrying a firearm without a license, and possession of ammunition without a license. *Id.* at 1. Jean's petition was originally premised on four alleged constitutional violations. *See id.* Respondent moved to dismiss the petition in its entirety due to Jean's failure to exhaust his state remedies with respect to two of the grounds on which he sought relief. (#17.) The motion to dismiss was fully briefed (##18, 21); this court issued a Report and Recommendation in which it found that Jean had failed to exhaust two of his claims and recommended dismissal of them (#23); the Report and

*After consideration of petitioner's objection thereto (Docket No. 41), Report and Recommendation accepted and adopted.*

*SJM/Gorton, USDJ 9/19/17*