

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DORIAN WALKER, #959129,

Petitioner,

CASE NO. 2:18-CV-11141
HONORABLE DENISE PAGE HOOD

v.

THOMAS WINN,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION
FOR NON-PREJUDICIAL DISMISSAL, DISMISSING WITHOUT
PREJUDICE THE PETITION FOR A WRIT OF HABEAS CORPUS,
AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion to voluntarily dismiss his pending habeas petition so that he may return to the state courts to pursue further challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold this case in abeyance. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present habeas petition is appropriate.

Accordingly, the Court **GRANTS** Petitioner's motion for non-prejudicial dismissal and **DISMISSES WITHOUT PREJUDICE** the petition for a writ of

habeas corpus. Additionally, the Court **DENIES** a certificate of appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is **CLOSED**. The Court does not retain jurisdiction over this matter. Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

IT IS SO ORDERED.

s/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: October 30, 2019