

No. 4:13CV2568 JAR

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The Court gave petitioner an opportunity to explain whether he used any of these available state remedies before bringing this federal petition, and petitioner failed to respond. As a result, the Court will dismiss this action without further proceedings.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether the petition is unexhausted. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

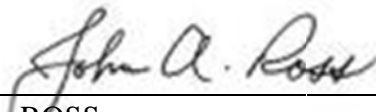
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Order of Dismissal will be filed forthwith.

Dated this 7th day of March, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE