

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DUSTIN MATTHEW GRIGSBY,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:14CV1849 NAB
	)	
BILL HARRIS,	)	
	)	
Respondent,	)	

**MEMORANDUM AND ORDER**

Dustin Grigsby filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 without first exhausting available state remedies. Therefore, I will dismiss this action without prejudice to refile after state remedies are exhausted.

On April 22, 2014, Grigsby pled guilty to charges of first and second degree arson. Missouri v. Grigsby, 13L6-CR01071-01 (Lincoln County). On August 21, 2014, the state court sentenced him to a total prison term of fifteen years. Id. Grigsby did not appeal. On October 22, 2014, he filed a motion for postconviction relief under Rule 24.035 of the Missouri Supreme Court Rules in the Circuit Court for Lincoln County. Grigsby v. Missouri, No. 14L6-CC00137. The motion is currently pending.

Under 28 U.S.C. § 2254(b), a state prisoner must exhaust his state remedies before bringing a federal habeas petition. Because his Rule 24.035 motion is pending, Grigsby’s state remedies are not exhausted.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice to refile after Grigsby’s state remedies are exhausted.

**IT IS FURTHER ORDERED** that I will not issue a certificate of appealability.

An Order of Dismissal will be filed separately.

Dated this 19th day of November, 2014.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE