

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY MCCOWIN,)	4:13CV3132
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
NEBRASKA STATE)	
PENITENTIARY,)	
)	
Respondent.)	

This matter is before the court on its own motion. Petitioner Gary McCowin (“McCowin”) has filed a Petition for Writ of Habeas Corpus in this matter. (Filing No. [1](#).) On October 8, 2013, the court ordered Petitioner to show cause why this matter should not be dismissed without prejudice due to Petitioner’s failure to exhaust his state court remedies prior to filing his habeas petition in this court. (Filing No. [9](#).) The court warned Petitioner that failure to respond to the court’s order would result in dismissal of this matter without further notice. (*Id.*) Petitioner has not responded to the court’s order, and the time in which to do so has now passed. Accordingly,

IT IS THEREFORE ORDERED that: McCowin’s Petition for Writ of Habeas Corpus (Filing No. [1](#)) is dismissed without prejudice. A separate judgment will be entered in accordance with this memorandum and order.

DATED this 13th day of November, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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