

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DWIGHT L. TUCKER,

)

8:11CV445

)

Petitioner,

)

)

v.

)

)

ROBERT HOUSTON, et al.,

)

)

Respondents.

)

**MEMORANDUM
AND ORDER ON MOTION TO STAY
PENDING EXHAUSTION ON STATE
REMEDIES**

This matter is before me on the Motion to Stay Pending Exhaustion on State Remedies, filed by the petitioner, Dwight L. Tucker. (Filing No. [21](#).) Tucker asks me to stay this matter so that he may exhaust his state remedies. (*Id.*) The respondents object, stating that Tucker's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is not a mixed petition containing exhausted and unexhausted claims and there are no state court remedies available for Tucker to relitigate his claims. (Filing No. [22](#) at CM/ECF pp. 1-2.) Tucker's motion to stay has been carefully reviewed and I conclude that there is no basis upon which to grant a stay.

IT IS THEREFORE ORDERED that:

1. Tucker's Motion to Stay Pending Exhaustion of State Remedies (filing no. [21](#)) is denied; and
2. the respondents' Objection to Stay (filing no. [22](#)) is sustained.

Dated April 30, 2012.

BY THE COURT



Warren K. Urbom
United States Senior District Judge