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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONALD C. DORNIN,

Petitioner,

vs.

JOE LOMBARDO, et al.,

Respondents.

Case No. 2:15-cv-01007-RFB-NJK

ORDER

Petitioner has filed a habeas petition challenging his pending criminal case and anticipated sentencing in a state criminal case. While a federal court may hear a petition for an individual in custody who has not yet been sentenced or convicted, principles of comity generally require the federal court to abstain, absent extraordinary circumstances, from any intervention into the state court proceeding until it has been completed. Carden v. Montana, 626 F.2d 82, 83-84 (9th Cir.), cert. denied, 449 U.S. 1014, 101 S. Ct. 573, 66 L. Ed. 2d 473 (1980).

The Court does not find that there are extraordinary circumstances in this case warranting intervention in the state court criminal proceeding. Id. Petitioner did file a response to the Order to Show Cause filed by this Court, but his response did not establish a basis for this Court to intervene in his state case. Id. The petitioner in this case may seek whatever federal habeas relief that is legally appropriate upon the completion of his state criminal case, including his pursuit of direct appeals and state habeas proceedings.

1 IT IS THEREFORE ORDERED that this case is dismissed without prejudice to petitioner
2 seeking federal habeas relief upon the completion of his state court criminal proceedings and
3 appeals and state habeas challenges.

4 DATED: January 10, 2018.



RICHARD F. BOULWARE, II
United States District Judge

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