

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

JOSEPH CARUSO,

Petitioner,

JUDGMENT IN A CIVIL CASE

V.

CASE NUMBER: 3:09-CV-00151-RCJ-VPC

JACK PALMER,

Respondent.

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Respondents' Motion to Dismiss (#22) is **GRANTED**. This action is **DISMISSED** without prejudice for Petitioner's failure to exhaust his state-court remedies.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

February 23, 2010LANCE S. WILSON

Clerk

/s/ D. R. Morgan

Deputy Clerk