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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALLAN MICAH DANIELS,
Petitioner,
vs.
E. K. MCDANIEL, et al.,
Respondents.

Case No. 3:10-CV-00315-LRH-(VPC)

ORDER

The court ordered petitioner to show cause why this action should not be dismissed because petitioner had not exhausted his available remedies in the state courts before filing his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#4). Order (#3). Petitioner has not complied with the court's order (#3) within the allotted time.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for petitioner's failure to exhaust his available state-court remedies. The clerk of the court shall enter judgment accordingly.

IT IS FURTHER ORDERED that petitioner's motion for the appointment of counsel (#5) is **DENIED** as moot.

DATED this 15th day of September, 2010.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE