UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY BONNER, Petitioner, v. KENNETH KOCHOVAR, Respondent.	)	CASE NO. 1:08 CV 1882 JUDGE DONALD C. NUGENT MEMORANDUM OF OPINION AND ORDER

On August 6, 2008, petitioner pro se Anthony E. Bonner, a pretrial detainee at the Cuyahoga County Jail, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

Petitioner asserts he was bound over without probable cause, and that he has been denied a speedy trial. Without regard to the potential merits of these grounds, it is evident on the face

of the petition that they have yet to be raised and exhausted in the Ohio courts. The petition is thus premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Donald C. Nugent 10/21/08

DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE