

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SHALEATHA TAYLOR,)	CASE NO. 1:08 CV 2485
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
WARDEN, Ohio Reformatory for Women,)	<u>AND ORDER</u>
)	
Respondent.)	

On October 20, 2008, petitioner pro se Shaleatha Taylor filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Ms. Taylor is incarcerated in an Ohio correctional institution, having pleaded guilty to aggravated robbery, for which she received a six year sentence on June 16, 2008. 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).

As a threshold matter, there are no apparent federal

grounds for relief set forth in the petition. Further, it is evident on the face of the petition that petitioner has an appeal pending in the Ohio courts. Petition, p.13. Her petition is thus premature.

Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the petition is denied and this case is dismissed without prejudice for failure to exhaust state court remedies. 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.

Dated: December 30, 2008

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE