

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Alex J. Hileman,

Case No. 3:13-cv-1310

Petitioner

v.

ORDER OF DISMISSAL

Ohio Attorney General,

Respondent.

Pro se Petitioner Alex J. Hileman filed this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Hileman is incarcerated in the Mansfield Correctional Institution having been convicted of kidnapping and rape. He is serving a sentence of fifteen years to life imprisonment.

Hileman provides no other information pertaining to his conviction nor does not assert any grounds for relief in his Petition. Without grounds for relief, I have no basis upon which to determine if the writ should be granted or denied. I also note that Hileman indicates he did not appeal his conviction and did not pursue postconviction relief. He claims he is unfamiliar with the law and was told his attorney would speak for him.

As a general rule, a state prisoner must exhaust all possible state remedies or have no remaining state remedies before a federal court will review a petition for a writ of habeas corpus. 28 U.S.C. § 2254(b) and (c); *see Baldwin v. Reese*, 541 U.S. 27 (2004). This exhaustion requirement is fulfilled once a state supreme court provides a convicted defendant a full and fair opportunity to

review his or her claims on the merits. *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999); *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994); *Manning v. Alexander*, 912 F.2d 878, 881 (6th Cir. 1990).

On September 16, 2013, I gave Hileman forty-five (45) days to amend his petition to state the grounds upon which he seeks habeas relief, and to indicate to me that he has exhausted his state court appeals or postconviction remedies, or both. I notified him that he did not file an amended petition that meets these criteria within forty-five (45) days, I would dismiss the petition without prejudice to allow him to return to state court to comply with the exhaustion requirement before returning to federal court for habeas relief. More than forty-five (45) days has elapsed, and Hileman has not filed an amended petition.

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

So Ordered.

s/Jeffrey J. Helmick
United States District Judge