

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHARDON BLACK,)	CASE NO. 1:16 CV 173
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	OPINION AND ORDER
BRIGHAM SLOAN,)	
)	
Respondent.)	

On January 25, 2016, petitioner *pro se* Chardon Black, an inmate at the Lake Erie Correctional Institution, filed the above-captioned *in forma pauperis* petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges Black’s convictions, pursuant to a guilty plea, for felonious assault and domestic violence. 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 grounds for the petition, Black asserts: 1) his guilty plea was not voluntary, knowing and intelligent; 2) he was denied a speedy trial; 3) his trial counsel was ineffective; 4) he was subjected to double jeopardy; and 5) his sentence violated due process. It is apparent on the face of the petition that Black has an action pending in the Ohio Court of Appeals in which he raises the issues sought to be raised as grounds herein. Therefore, without regard to the potential merits of those grounds, Black has not yet exhausted his state court remedies. The petition is thus premature.

Accordingly, the request to proceed *in forma pauperis* is granted, and 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.

Dated: January 29, 2016

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