

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES WALKER,
Petitioner,

v.

KIMBERLY CLIPPER,
Respondent.

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Case No.: 1:18 CV 193

JUDGE SOLOMON OLIVER, JR.

MEMORANDUM OF OPINION
AND ORDER

On January 24, 2018, petitioner *pro se* Charles Walker, an inmate at the Lorain Correctional Institution, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition indicates Walker challenges his convictions, in November 2017, for aggravated murder, murder, felonious assault, discharge of a firearm, and carrying a concealed weapon.

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).

It is apparent of the face of the petition that Walker has an appeal pending in the Ohio Court of Appeals raising grounds sought to be raised in his habeas petition before this court. Thus, without regard to the potential merits of the grounds sought to be raised herein, he has yet to exhaust his state court remedies. The petition is thus premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. 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.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

February 12, 2018