

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

STACEY Y. ROYAL,	)	CASE NO. 3:12 CV 123
	)	
Petitioner,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
STATE OF OHIO, et al.,	)	<u>AND ORDER</u>
	)	
Respondents	)	

On January 19, 2012, petitioner *pro se* Stacey Y. Royal filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Royal challenges her October 2010 convictions in the Wood County Court of Common Pleas for telecommunications fraud, insurance fraud, theft, and engaging in a pattern of corrupt activity. 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 she 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 evident on the face of the petition that Royal has yet to exhaust her direct appeals in the Ohio Courts. (ECF #1, p.2). Thus, without regard to the potential merits of the grounds sought to be raised herein, the petition is 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.

*/s/Dan Aaron Polster 3/22/12*

DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE