

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

Richard Ryan Cassell,

Case No. 5:17 CV 2622

Petitioner

v.

ORDER

Warden David W. Gray,

Respondent

On December 18, 2017, Petitioner *pro se* Richard Ryan Cassell filed the above-captioned action for writ of habeas corpus under 28 U.S.C. § 2254. Cassell seeks to challenge his convictions, in the Stark County Court of Common Pleas, for gross sexual imposition and disseminating matter harmful to juveniles.

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, a petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

It is evident on the face of the Petition that Cassell has not yet sought review of his convictions in the Ohio Supreme Court. ECF Doc #1-2. Such review may be available, *see* Ohio Sup.Ct.R.P. 7.01(A)(4)(a), and must be sought in order to exhaust state court remedies. *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994).

Accordingly, the Petition is denied and this action is dismissed pursuant to Rule 4 of the

Rules Governing Section 2254 Cases, without prejudice to refile upon exhaustion of 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.

So ordered.

s/James G. Carr

Sr. U.S. District Judge