

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ERIC T. RUSSELL, SR.,

Petitioner,

: Case No. 3:14-cv-315

- vs -

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

SHERIFF PHIL PLUMMER,

Respondent.

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**ORDER**

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This habeas corpus case under 28 U.S.C. § 2254 is before the Court on a document filed by Petitioner which requests this Court to “request ‘Disposition of Judgment’” from the Montgomery County Common Pleas Court and to request the entire case files for Common Pleas case numbers 2014-cv-04969 and 2014-cr-01896. Petitioner apparently wishes the Court to have these documents to begin investigation of violations of due process and to proceed with habeas corpus.

Petitioner’s own motion shows that he has been convicted and sentenced on two counts of domestic violence and found not guilty on a third count before The Honorable Michael Krumholtz. Before Petitioner can properly seek habeas corpus relief on the counts of conviction, he must exhaust his available state court remedies -- direct appeal to both the Second District Court of Appeals and the Supreme Court of Ohio for any claimed errors which are already part of the record; petition for post-conviction relief in the Montgomery County Common Pleas Court for any constitutional errors which are not part of the record. Only when those possible remedies

have been exhausted can this Court exercise jurisdiction.

This Court has no authority to interfere with the civil case which is said to be pending before The Honorable Mary Katherine Huffman.

Accordingly, Petitioner's Motion is DENIED.

November 25, 2014.

s/ *Michael R. Merz*  
United States Magistrate Judge