

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

TRAVIS WAYNE GOODSELL,) **MEMORANDUM DECISION AND ORDER**
Petitioner,) **DENYING HABEAS PETITION**
v.)
STATE OF UTAH et al.,) Case No. 2:10-CV-366 TS
Respondents.) District Judge Ted Stewart
)
)

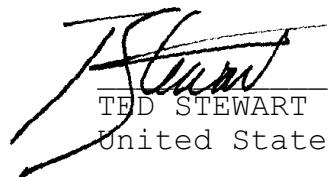
On June 10, 2010, the Court ordered Petitioner to within thirty days show cause why his § 2254 petition should not be denied under the exhaustion and abstention doctrines. Petitioner responds that he believes his pre-trial detention at the state psychiatric hospital for determination of his competency to stand trial continues to be unconstitutionally protracted.

It remains clear that Petitioner prematurely challenges his imprisonment, considering he has yet to go to trial, let alone be convicted. Also, he does not suggest that he has petitioned for extraordinary relief in state court as another avenue of exhausting his state-court remedies. *See, e.g.*, Utah R. Civ. P. 65B ("Where no other plain, speedy and adequate remedy is available, a person may petition the court for extraordinary relief on any of the grounds set forth in paragraph (b) (involving wrongful restraint on personal liberty) . . . or paragraph (d) (involving wrongful use of judicial authority [and] the failure to exercise such authority . . .).").

IT IS THEREFORE ORDERED that Petitioner's § 2254 petition is DENIED under the exhaustion and abstention doctrines.

DATED this 24th day of September, 2010.

BY THE COURT:



TED STEWART
United States District Judge