

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TEILL REYNOLDS,

Petitioner,

v.

CASE NO. 12-3129-SAC

WYANDOTTE COUNTY JAIL,

Respondent.

MEMORANDUM AND ORDER
NUNC PRO TUNC¹

This matter comes before the court on a petition for habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner, a prisoner at the Wyandotte County Detention Center, proceeds pro se. The petition reflects that petitioner was convicted on November 18, 2011, and that a motion for arrest of judgment is pending.

Pursuant to 28 U.S.C. § 2254(b)(1), "An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that - (A) the applicant has exhausted the remedies available in the courts of the State...."

Ordinarily, to satisfy this exhaustion requirement, a petitioner must present all claims by "invoking one complete round

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The court's original order was issued on July 5, 2012, but contained the erroneous date of July 27, 2012, in the signature block. The present order is entered to reflect the correct date of issuance. No other changes have been made.

of the State's established appellate review process." *O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999).

Because it does not appear the petitioner has fully exhausted his claims by presenting them to the state appellate courts, the court is considering the dismissal of this matter without prejudice. Petitioner will be directed to show cause why this matter should not be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is granted.

IT IS FURTHER ORDERED petitioner is granted to and including July 27, 2012, to show cause why this matter should not be dismissed without prejudice to allow him to pursue state court remedies. The failure to file a timely response may result in the dismissal of this matter without additional prior notice to the petitioner.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

DATED: This 5th day of July 2012, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge