

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MICHAEL NELOMS,

Plaintiff,

v.

CASE NO. 13-3036-SAC

STATE OF KANSAS,

Defendant.

MEMORANDUM AND ORDER

This matter is a civil action filed by a prisoner in the Sedgwick County Detention Facility. Plaintiff proceeds pro se, and the court therefore liberally construes his pleadings. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991).

Plaintiff appears to seek review of criminal proceedings against him in the District Court of Sedgwick County and broadly alleges violations of due process, equal protection, and his right to a speedy trial.

To the extent plaintiff seeks relief from state criminal proceedings on constitutional grounds, his sole federal remedy is a writ of habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 504 (1973). Before he may seek federal habeas corpus relief, however, he must exhaust state court remedies. *See Montez v. McKinna*, 208 F.3d 862, 866 (10<sup>th</sup> Cir. 2000). Because it does not appear that plaintiff has yet pursued state appellate remedies, the court will dismiss this matter without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is liberally construed as a petition for habeas corpus and is dismissed without prejudice as premature.

IT IS FURTHER ORDERED that the court declines to issue a Certificate of Appealability in this matter.

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

**IT IS SO ORDERED.**

DATED: This 24<sup>th</sup> day of April, 2013, at Topeka, Kansas.

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