

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RASMUS R. EDDY,

Petitioner,

v.

CASE NO. 19-3064-SAC

STATE OF KANSAS,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2254. Petitioner proceeds pro se, and the Court grants leave to proceed in forma pauperis.

In 2010, petitioner was convicted of various sex crimes. *State v. Eddy*, 321 P.3d 12 (Kan. 2014). The Court has examined the petition and notes that petitioner currently has a petition for review pending before the state supreme court.

A state prisoner generally must exhaust available state court remedies before seeking federal habeas corpus relief. 28 U.S.C. §2254 (b) (1); see *Dever v. Kansas State Penitentiary*, 36 F.3d 1531, 1534 (10th Cir. 1994) (a federal claim is exhausted when it "has been properly presented to the highest state court, either by direct review of the conviction or in a postconviction attack.") (citation omitted).

As noted, petitioner has a pending matter in the Kansas Supreme Court. The Court has considered the record and petitioner's motion to stay this matter, and concludes the matter should be dismissed without prejudice to allow him to complete the state review process. Upon the resolution of that action, petitioner may move to reopen this matter.

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's motion to stay case (Doc. 3) is denied.

IT IS FURTHER ORDERED this matter is dismissed without prejudice to allow petitioner to complete the exhaustion of state court remedies.

IT IS SO ORDERED.

DATED: This 2nd day of October, 2019, at Topeka, Kansas.

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