

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDREW MATTHEW OBRIECHT,

Petitioner,

ORDER

v.

05-C-0725-C

BYRAN BARTOW, Director,
Wisconsin Resource Center,

Respondent.

On December 15, 2005, this court entered an order dismissing petitioner Andrew Matthew Obrieht's petition for a writ of habeas corpus on the ground that he had failed to exhaust his state court remedies. Petitioner has now filed a motion requesting clarification of that order. It appears that petitioner wants the order to specify that an order by the Wisconsin Court of Appeals dated November 23, 2005 is to remain in effect.

Petitioner's motion for clarification will be denied as unnecessary. This court's order dismissing petitioner's application for a writ of habeas corpus has no effect on any ongoing state court proceedings. Petitioner's challenge to his conviction in the state courts proceeds independently from any proceedings in this court. The gist of the December 15 order simply is that petitioner cannot come to federal court until he has reached the end of the line with respect to any state court proceedings concerning the claims he raised in his federal application for habeas relief. As is made even more plain by petitioner's latest submission,

he has not reached the end of the line: apparently, the state court of appeals has not yet entered a final order on petitioner's appeal. Accordingly, it was proper to dismiss this case without prejudice for petitioner's failure to exhaust his state court remedies. No clarification of that order is necessary.

ORDER

Petitioner's motion for clarification of the order of December 15, 2005 is DENIED as unnecessary.

Entered this 27th day of December, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge