

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

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CURTIS J. PIDGEON,

Petitioner,

ORDER

v.

07-C-360-S

SAUK COUNTY COURT,

Respondent.

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Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. He paid the filing fee. His petition is actually a petition for a writ of habeas corpus under 28 U.S.C. §2254 because he is challenging his state court custody.

Although not completely clear, it appears petitioner is challenging the denial of bail in a state court proceeding in 2004. He does not allege that he has exhausted his state court remedies.

Federal district courts are required by statute, for reasons of comity, to defer to state courts in proceedings for writs of habeas corpus. Accordingly, petitioner's petition for a writ of habeas corpus will be dismissed without prejudice to petitioner's refiling his petition after he has exhausted his state court remedies within the meaning of 28 U.S.C. §2254.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claim must



e dismissed without prejudice for his failure to exhaust his state remedies. See Newlin v. Helman, 123 F.3d 429, 433 (7<sup>th</sup> Cir. 1997).

ORDER

IT IS ORDERED that petitioner's petition for a writ of habeas corpus is DISMISSED without prejudice.

IT IS FURTHER ORDERED that judgment be entered DISMISSING petitioner's petition for a writ of habeas corpus without prejudice.

Entered this 6th day of July, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge