

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

OUATI K. ALI,

Petitioner,

v.

WILLIAM POLLARD,

Respondent.

ORDER

11-cv-269-bbc

In an order dated April 26, 2011, I informed petitioner Ouati Ali that once again, his second petition for a writ of habeas corpus under 28 U.S.C. § 2254 included exhausted and unexhausted claims. Under Rose v. Lundy, 455 U.S. 509 (1982), petitioner had two choices: (1) dismiss all of his claims without prejudice to his filing a new petition after he has finished exhausting his state remedies; or (2) abandon his unexhausted claims and proceed solely on the exhausted claim. Id. at 510, 520. I instructed plaintiff to choose one of these options by May 9, 2011.

Petitioner has not responded to the April 26 order. Therefore, I will dismiss his petition without prejudice to his refiling it after he has completed exhausting his administrative remedies.

ORDER

IT IS ORDERED that the petition of Ouati Ali for a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE to his refiling it after he has completed exhausting his state court remedies.

Entered this 23d day of May, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge