

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

QUENTIN D. JONES,

Petitioner,

ORDER

v.

03-C-165-C

JOHN BETT, Warden, Dodge Correctional
Institution,

Respondent.

Quentin D. Jones has filed an application for habeas relief pursuant to 28 U.S.C. § 2254. From the bare bones petition, it appears that petitioner is challenging an August 15, 2001, decision of the Wisconsin Division of Hearings and Appeals affirming an administrative law judge's decision to revoke petitioner's parole or probation. It appears that petitioner never filed a petition for a writ of certiorari in the state courts challenging the final revocation decision. According to the petition, petitioner did not file a petition because the "time limitation exceeded." I infer from this that petitioner missed the deadline for seeking a writ of certiorari.

A state prisoner must exhaust his state court remedies before he may seek relief by means of a federal habeas petition. Rodriguez v. Scillia, 193 F.3d 913, 916 (7th Cir. 1999); 28 U.S.C. § 2254 (b)(1). In order to satisfy the exhaustion requirement, a Wisconsin prisoner seeking to challenge an administrative decision revoking his probation or parole

must first present his claims to the state courts by means of a petition for a writ of certiorari. "Exhaustion of state remedies requires that petitioners fairly present federal claims to the state courts in order to give the State the opportunity to pass upon and correct alleged violations of its prisoners' federal rights." Duncan v. Henry, 513 U.S. 364 (1995). Failure by a petitioner to present his claims to the state courts within the time prescribed by state law constitutes a procedural default that bars this court from considering the merits of the petition. See O'Sullivan v. Boerckel, 526 U.S. 838, 848 (1999).

Although the information in the petition is sparse, it indicates that petitioner procedurally defaulted his claims by failing to exhaust his state court remedies within the time prescribed by state law. Accordingly, this court cannot entertain the petition. Because "it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief" in this court, the petition is dismissed summarily pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

Dated this 18th day of April, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge